

NEGATIVE DECLARATION
for
191 Riverside Avenue Land Use and Zoning Amendments

General Plan Amendment No. GP2013-002
Coastal Land Use Plan Amendment No. LC2013-003
Zoning Code Amendment No. CA2013-007
(PA2013-210)



Lead Agency
Contact: Patrick J. Alford
City of Newport Beach
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100 Civic Center Drive
Newport Beach, California 92660

DECEMBER 23, 2013

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1.0 Introduction

The City of Newport Beach (hereafter “City”) received applications from Gensler (hereafter “Project Applicant”) for amendments to the General Plan and Coastal Land Use Plan to change the land use category from Public Facilities (PF) to Mixed-Use Horizontal (MU-H1) and an amendment to the Zoning Code to change the zoning from Public Facilities (PF) to Mixed-Use Mariners Mile (MU-MM) for a 0.52-acre site located at 191 Riverside Avenue (hereafter “Project” or “proposed Project”). The proposed Project is the subject of analysis in this document pursuant to the California Environmental Quality Act (CEQA).

This Negative Declaration (ND) was compiled by the City of Newport Beach, serving as the Lead Agency for the proposed Project pursuant to CEQA §21067 and CEQA Guidelines Article 4 and §15367. “Lead Agency” refers to the public agency that has the principal responsibility for carrying out or approving a project.

This introduction is included to provide the reader with general information regarding: 1) the location of the proposed Project and a summary of the Project’s proposed discretionary actions; 2) standards of adequacy for a ND under CEQA; 3) a summary of Initial Study findings supporting the Lead Agency’s decision to prepare a ND for the proposed Project; 4) a description of the format and content of this ND; and 5) the governmental processing requirements to consider the proposed Project for approval.

1.1 Document Purpose

This document is a Negative Declaration (ND) prepared in accordance with the California Environmental Quality Act (CEQA), including all criteria, standards, and procedures of CEQA (California Public Resource Code Section 21000 et seq.) and the CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15000 et seq.). This ND is an informational document intended for use by the City of Newport Beach, Trustee and Responsible agencies, and members of the general public in evaluating the physical environmental effects of the proposed Project.

1.2 Project Location

The subject property (hereafter, “proposed Project Site” or “Project Site”) is located on the southwest corner of the intersection of Riverside Avenue and Avon Street.

The proposed Project Site comprises approximately 0.52 acres, located in the City of Newport Beach, Orange County, California in the Mariners Mile commercial district. Newport Bay is located approximately 650 feet to the southwest. Specifically, the subject property is bounded by Avon Street to the north, Mariners Center to the south and west, and Riverside Avenue to the east. The current addresses of the proposed Project Site are 149 and 191 Riverside Avenue, Newport Beach, California 92660. The assessor’s parcel numbers (APNs) are 049-110-17 and 049-110-27.

1.3 Project Summary

The proposed Project consists of applications for a General Plan Amendment (GP2013-002) and Coastal Land Use Plan Amendment (LC2013-003) to change the land use category from Public Facilities (PF) to Mixed-Use Horizontal (MU-H1) and a Zoning Code Amendment (CA2013-007) to change the zoning from Public Facilities (PF) to Mixed-Use Mariners Mile (MU-

MM) for a 0.52-acre site located at 191 Riverside Avenue. No demolition or new construction is proposed at this time.

If the Project is approved by the City Council, the Project's Coastal Land Use Plan Amendment would then require review by the California Coastal Commission (CCC).

1.4 California Environmental Quality Act (CEQA)

1.4.1 CEQA Objectives

CEQA is a statewide environmental law contained in Public Resources Code §§ 21000-21177 that applies to most public agency decisions to carry out, authorize, or approve actions that have the potential to adversely affect the environment. The overarching goal of CEQA is to protect the physical environment. To achieve that goal, CEQA requires that public agencies inform themselves of the environmental consequences of their discretionary actions and consider alternatives and mitigation measures that could avoid or reduce significant adverse impacts when avoidance or reduction is feasible. It also gives other public agencies and the general public an opportunity to comment on the information. If significant adverse impacts cannot be avoided, reduced, or mitigated to below a level of significance, the public agency is required to prepare an EIR and balance the project's environmental concerns with other goals and benefits in a statement of overriding considerations.

The principal objectives of CEQA are to: 1) inform governmental decision makers and the public about the potential, significant environmental effects of proposed activities; 2) identify the ways that environmental damage can be avoided or significantly reduced; 3) prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible; and 4) disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.

1.4.2 CEQA Requirements for Negative Declarations (NDs)

A ND is a written statement by the Lead Agency briefly describing the reasons a proposed project, which is not exempt from the requirements of CEQA, will not have a significant effect on the environment and therefore does not require preparation of an Environmental Impact Report (EIR). (CEQA Guidelines § 15371) The CEQA Guidelines require the preparation of a ND if the Initial Study prepared for a project identifies no potentially significant effects.

1.4.3 Initial Study Findings

Section 5.0 contains a copy of the Initial Study that was prepared for the proposed Project pursuant to CEQA and City of Newport Beach requirements. The Initial Study determined that implementation of the proposed Project would result in no impacts or less than significant environmental effects. Therefore, and based on the findings of the Initial Study, the City of Newport Beach determined that a ND shall be prepared for the proposed Project pursuant to CEQA Guidelines § 15070(b).

1.4.4 CEQA Requirements for Environmental Setting and Baseline Conditions

CEQA Guidelines § 15125 establishes requirements for defining the environmental setting to which the environmental effects of a proposed project must be compared. The environmental setting is defined as "...the physical environmental conditions in the vicinity of the project, as

they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time the environmental analysis is commenced...” (CEQA Guidelines § 15125[a]) In the case of the proposed Project, the Initial Study determined that a ND is the appropriate form of CEQA compliance document, which does not require a Notice of Preparation (NOP). Thus, the environmental setting for the proposed Project is the approximate date that the Project’s environmental analysis commenced.

The City of Newport Beach commenced environmental review of the proposed Project in December 2013. Accordingly, the environmental setting for the proposed Project is defined as the physical environmental conditions on the proposed Project Site and in the vicinity of the proposed Project as they existed in December 2013. Section 2.0 provides a summary of the existing physical environmental conditions of the proposed Project Site and surrounding areas as they existed in December 2013.

1.4.5 Format and Content of this Negative Declaration

This document, including all Sections. Section 5.0 contains the completed Environmental Checklist/Initial Study and its associated analyses which document the reasons to support the findings and conclusions of the Initial Study.

1.4.6 Preparation and Processing of this Negative Declaration

The City of Newport Beach Planning Division directed and supervised the preparation of this ND. The content contained within and the conclusions drawn by this ND reflect the sole independent judgment of the City. Following completion of this ND, A Notice of Intent (NOI) to adopt the ND will be distributed to the following entities: 1) organizations and individuals who have previously requested such notice in writing; 2) direct mailing to the owners of property contiguous to the Project and property owners within a 300-foot radius as shown on the latest equalized assessment roll; 3) the Orange County Clerk; and 4) Office of Planning and Research, State Clearinghouse for review by state agencies. The NOI will identify the location(s) where the ND, Initial Study is available for public review. In addition, notice of the public review period also will occur via posting of a notice on- and off-site (at City Hall, 100 Civic Center Drive) in the area where the Project is to be located and publication in a newspaper of general circulation in the Project area. The NOI also establishes a 30-day public review period during which comments on the adequacy of the ND document may be provided to the City of Newport Beach Planning Division.

Following the 30-day public review period, the City of Newport Beach will review any comment letters received and will determine whether any substantive comments were provided that may warrant revisions to the ND document. If substantial revisions are not necessary (as defined by CEQA Guidelines §15073.5[b]), then the ND and Initial Study would be finalized and forwarded to the Newport Beach Planning Commission and City Council for review as part of their deliberations concerning the proposed Project.

The City of Newport Beach Planning Commission has the authority to recommend or not recommend the Project for approval by the City Council. The Newport Beach City Council has the authority to approve or deny the Project. Accordingly, public hearings will be held before the Newport Beach Planning Commission and City Council to consider the proposed Project and the adequacy of this ND. Public comments will be heard and considered at the hearings. At the conclusion of the public hearing process, the City Council will take action to approve, conditionally approve, or deny the proposed Project. If approved, the City Council will adopt findings relative to the Project’s environmental effects as disclosed in the ND and a Notice of

Determination (NOD) will be filed with the Orange County Clerk. If the Project is approved by the City Council, the Coastal Land Use Plan (CLUP) amendment would then be considered by the California Coastal Commission.

2.0 Environmental Setting

2.1 Project Location

As shown on Figure 2-1, *Regional Location Map*, and Figure 2-2, *Vicinity Map*, the proposed Project Site is located within the southwestern portion of the City of Newport Beach, in the Mariners Mile commercial district. Newport Bay is located approximately 650 feet to the southwest. Specifically, the subject property is bounded by Avon Street to the north, Mariners Center to the south and west, and Riverside Avenue to the east. The current addresses of the proposed Project Site are 149 and 191 Riverside Avenue, Newport Beach, California 92660. The assessor's parcel numbers (APNs) are 049-110-17 and 049-110-27 and is located in the southeast quadrant of Section 28 of Township 6 South, Range 10 West, San Bernardino Baseline and Meridian.

2.2 Existing Site and Area Characteristics

2.2.1 Site Access

The proposed Project Site is accessible by Riverside Avenue, a four-lane Local Road, and Avon Street, a two-lane Local Road. Riverside Avenue provides access to West Coast Highway (State Highway 1), a six-lane Major Road, located approximately 315 feet southwest of the proposed Project Site. Newport Boulevard (State Route 55) is located approximately 0.30 miles west of the proposed Project Site.

2.2.2 Existing Site Conditions

Under existing conditions, the proposed Project Site is developed with an existing, one-story institutional building, currently used as a United States Post Office distribution facility. The institutional building is constructed of concrete block and has a footprint of 9,242 square feet. A surface parking lot containing 20 spaces surrounds the building to the south and west. Landscaping consists of trees and shrubs dispersed in the parking lot. The proposed Project Site's frontage at Riverside Avenue and Avon Street contains curb-adjacent sidewalks with parking meters and street lights. Figure 5-1, depicts the site's existing conditions as seen from above, while Figure 5-2 and Figure 5-3 depict views of the site.

2.2.3 Site Topography

Under existing conditions, the proposed Project Site is fully developed and relatively flat exhibiting very little topographic variation. Elevations on the site range from approximately 16 to 14 feet above mean sea level (MSL).

Figure 2-1 Regional Location Map



Figure 2-2 Vicinity Map

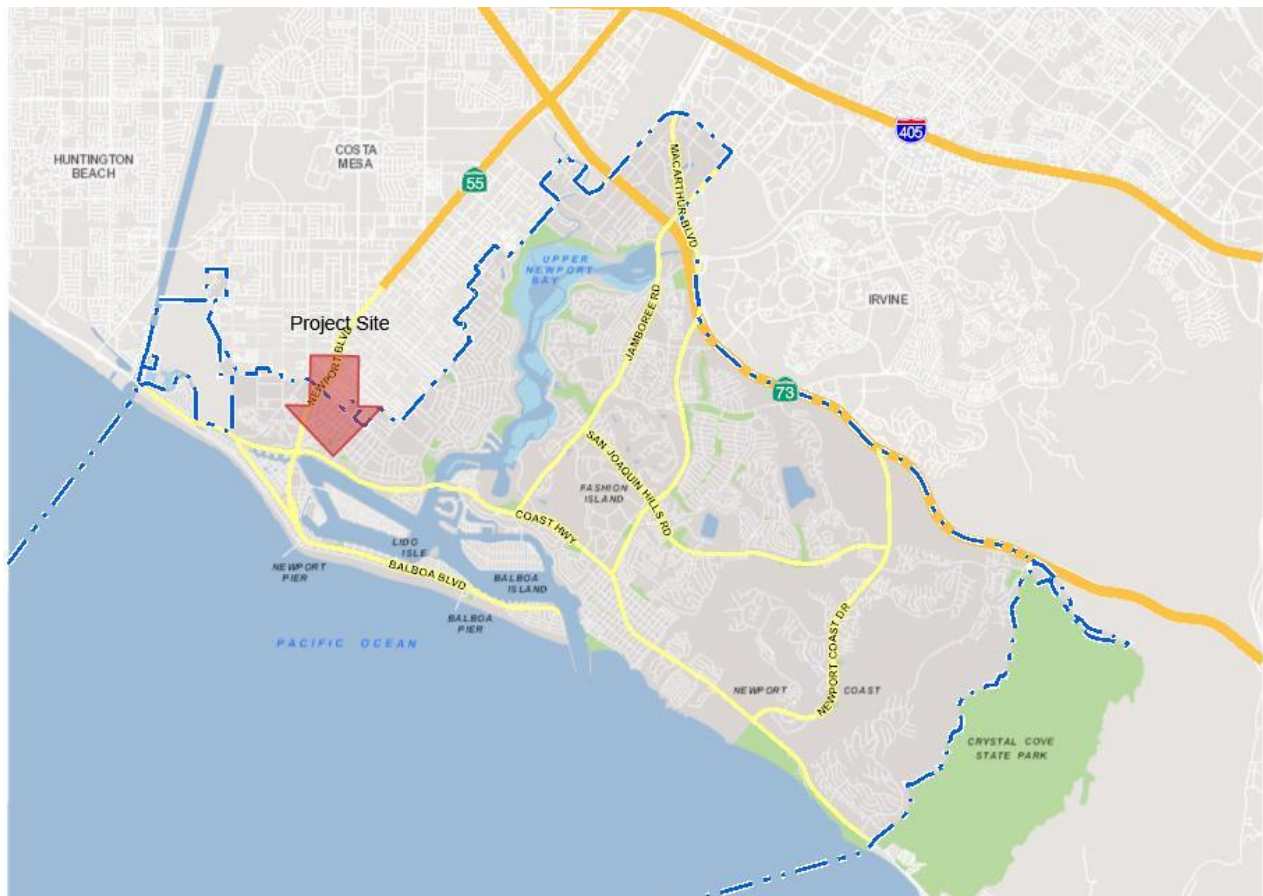
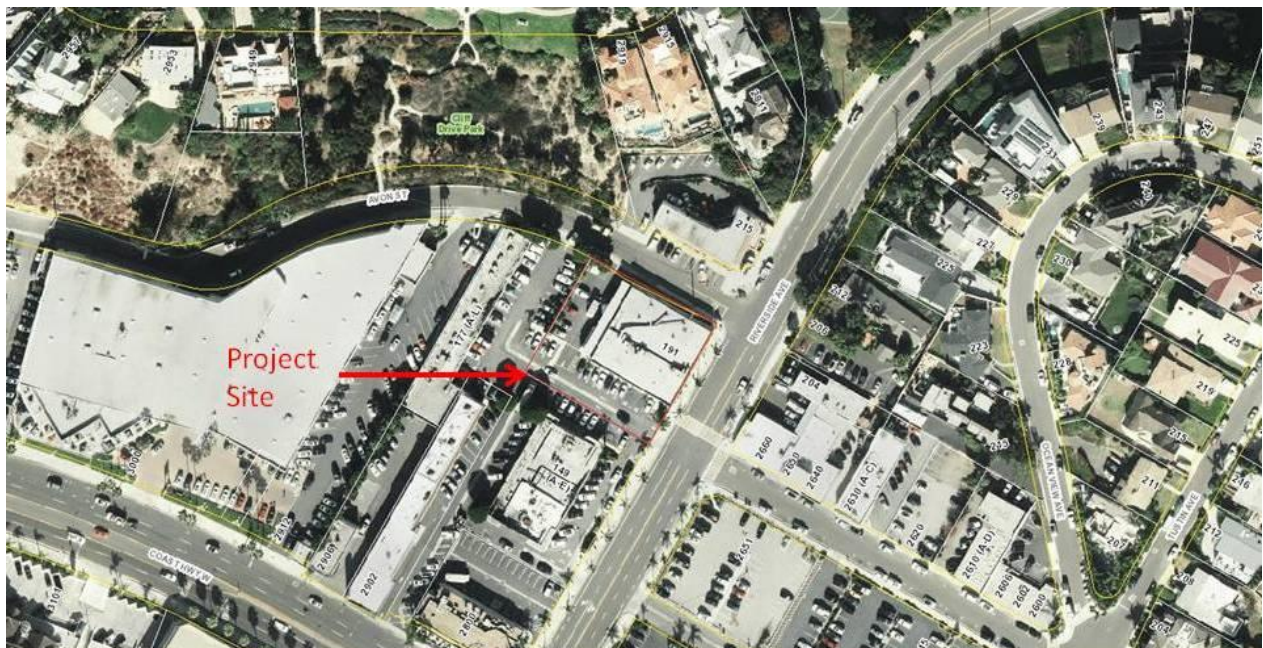


Figure 2-3 Aerial Photograph



2.2.4 Surrounding Land Uses and Development

The proposed Project Site is located within a portion of the City of Newport Beach that is fully developed with a variety of residential, office, and commercial land uses. To the north, at the northwestern corner of Riverside Avenue and Avon Street, there is an existing three-story commercial office building currently occupied by a restaurant, offices, and retail sales; single-unit residences with access off of Cliff Drive are located on the bluffs above; beyond to the northeast is Cliff Drive Park and other single-unit residences. To the south and west is Mariners Center, a single-story commercial center, which is occupied with retail sales, restaurants, and personal services. To the east, across Riverside Avenue, are commercial and office buildings; beyond, to the southeast is Mariners Mile Square commercial center, which is occupied with retail sales, restaurants, and personal services. The Mariners Mile commercial corridor is located to the south along West Coast Highway (State Highway 1), which is developed with restaurants, automobile and yacht dealerships, retail sales, personal services, and marine-related retail sales and services. The Newport Heights residential community, which is predominately single-unit residences, is located on the mesa above the Mariners Mile commercial district.

2.3 Planning Context

2.3.1 On-Site General Plan, Coastal Land Use Plan, and Zoning Designations

As shown on Figure 2-4, *Existing General Plan Land Use Designations*, under existing conditions the proposed Project Site is designated by the Newport Beach General Plan (hereafter, "General Plan") for "Public Facilities (PF)" land uses. The PF land use designation "...is intended to provide public facilities, including public schools, cultural institutions, government facilities, libraries, community centers, public hospitals, and public utilities" (Newport Beach 2006a).

The City of Newport Beach has an adopted Coastal Land Use Plan prepared in accordance with the California Coast Act of 1976. As shown on Figure 2-5, *Existing Coastal Land Use Plan Designations*, the Newport Beach Coastal Land Use Plan also designates the proposed Project Site is for "Public Facilities (PF)" land uses. As stated in the Local Coastal Program Coastal Land Use Plan, the PF land use designation is intended to "...to provide public facilities, including public schools, cultural institutions, government facilities, libraries, community centers, public hospitals, and public utilities (Newport Beach, 2009).

As shown on Figure 2-6, *Existing Zoning Designations*, under existing conditions, the proposed Project Site is zoned for "PF (Public Facilities)" (Newport Beach 2010a). The PF Zoning District "...is intended to provide for areas appropriate for public facilities, including community centers, cultural institutions, government facilities, libraries, public hospitals, public utilities, and public schools" (Newport Beach, 2010b).

Figure 2-4 Existing General Plan Land Use Designations



Figure 2-6 Existing Zoning Designations



2.3.2 Surrounding General Plan, Coastal Land Use Plan, and Zoning Designations

As shown on Figure 2-4 and Figure 2-5, General Plan and Coastal Land Use Plan designations surrounding the proposed Project Site are Mixed-Use Horizontal (MU-H1), General Commercial (CG), Parks and Recreation (PR) and Single Unit Residential Detached (RS-D). As shown on Figure 2-6, *Existing Zoning Designations*, zoning designations surrounding the proposed Project Site are Mixed-Use Mariners Mile (MU-MM), General Commercial (CG), Parks and Recreation (PR), and Single-Unit Residential (R-1).

2.3.3 Airport Environs Land Use Plan for John Wayne Airport

According to the Airport Environs Land Use Plan (AELUP) for the John Wayne Airport (JWA), which is the nearest public airport to the proposed Project Site, the proposed Project Site is not located within the AELUP Notification Area for JWA, nor is the site subject to any impacts (safety or noise) due to airport operations. Accordingly, the proposed Project would not require review by the Airport Land Use Commission (ALUC) for Orange County. The proposed Project Site does, however, occur within the transitional flight path of the JWA Obstruction Imaginary Surfaces zone established pursuant to Federal Aviation Regulations (FAR) Part 77, although review by the ALUC only would apply if a project is proposed that exceeds the height limits established by FAR Part 77 (OCALUC, 2008).

2.4 Existing Environmental Characteristics

2.4.1 Geology

The proposed Project Site is located within the Orange County coastal plain and is underlain by Quaternary alluvial and fluvial sedimentary deposits. As with much of the Southern California region, the proposed Project Site is located in an area subject to seismic hazards, with the nearest fault (Newport-Inglewood Fault Zone) occurring approximately 0.5 mile to the southwest of the proposed Project Site. The proposed Project Site is not located in an Earthquake Fault Zone per the Alquist-Priolo Special Studies Zone Map. The proposed Project Site and the surrounding area is such to liquefaction (Newport Beach, 2006a).

2.4.2 Hydrology

Under existing conditions, Storm water runoff surface flows off the site to the adjacent streets (Riverside Avenue and Avon Street), where water is collected in surface gutters and conveyed to the south. Flows are then conveyed to a catch basin where they empty into the Newport Bay. According to mapping by the Federal Emergency Management Agency (FEMA), the proposed Project Site is located outside of the 100-year floodplain (Newport Beach, 2013).

2.4.3 Vegetation & Wildlife

The proposed Project Site is fully developed with an existing building, a surface parking lot, sidewalks, ornamental landscaping, and hardscape. As indicated in the General Plan EIR, the Project Site is not identified as containing any sensitive biological resources and is not located within any Environmental Study Areas that have the potential to support sensitive biological resources. The Project Site therefore has no potential to contain sensitive vegetation habitats or sensitive plant or animal species (Newport Beach 2006b).

2.4.4 Historical, Archaeological, and Paleontological Resources

According to General Plan EIR Figure 4.4-1, the proposed Project Site is not identified as containing any historical resources. None of the existing buildings are included on the National

Register of Historic Places or on the California Register of Historical Resources, nor are they eligible for listing. As it is fully developed, the proposed Project Site is very unlikely to contain subsurface archaeological resources. The proposed Project Site also is not located within a portion of the City that is identified as having the potential to contain fossil-bearing soils or rock formations (Newport Beach 2006b).

2.4.5 Mineral Resources

According to the City's General Plan EIR, which relies on mapping conducted by the California Geological Survey (CGS) for areas known as Mineral Resources Zones (MRZs), the proposed Project Site is mapped within MRZ-3. Areas mapped MRZ-3 are defined as "areas containing mineral deposits of undetermined significance" (Newport Beach 2006b).

2.4.6 Agricultural Resources

The proposed Project Site is developed with urban uses and does contain agricultural uses. According to mapping conducted by the California Department of Conservation (CDC) as part of the Farmland Mapping & Monitoring Program (FMMP), the proposed Project Site is identified as containing "Urban and Built-Up Land." The proposed Project Site and surrounding areas do not contain any soils mapped by the CDC as Prime Farmland, Farmland of Statewide Importance, Unique Farmland, or Farmland of Local Importance.

2.4.7 Rare and Unique Resources

As required by CEQA Guidelines Section 15125(c), "Special emphasis should be placed on resources that are rare or unique to that region and would be affected by the project." Based on the site's existing condition and developed nature, the proposed Project Site does not contain any resources that are rare or unique to the region.

3.0 Project Description

The Project evaluated by this ND is located in the City of Newport Beach, within the Mariners Mile Planning Sub-Area (Statistical Area H4) of the City's General Plan. The inland properties of the Mariners Mile Planning Sub-Area are developed predominantly for highway-oriented retail, neighborhood commercial services. A number of sites contain automobile dealerships and service facilities and neighborhood-serving commercial uses. The latter includes salons, restaurants, apparel, and other specialty shops ranging from wine stores to home furnishings stores. While single use free-standing buildings predominate, there are a significant number of multi-tenant buildings that combine a number of related or complementary uses in a single building or buildings that are connected physically or through design.

The proposed Project Site consists of approximately 0.52 acres of developed land bounded by Avon Street to the north, Mariners Center to the south and west, and Riverside Avenue to the east. The proposed Project consists of applications for a General Plan Amendment and Coastal Land Use Plan Amendment to change the land use category from Public Facilities (PF) to Mixed-Use Horizontal (MU-H1) and a Zoning Code Amendment (CA2013-007) to change the zoning from Public Facilities (PF) to Mixed-Use Mariners Mile (MU-MM). No demolition or new construction is proposed at this time.

The Newport Beach City Council will consider the following actions requested by the Project Applicant. In advance of the City Council's consideration, advisory recommendations regarding the actions listed below will be considered by the City's Planning Commission.

1. General Plan Amendment No. GP2013-002;
2. Coastal Land Use Plan Amendment No. LC2013-003; and
3. Zoning Code Amendment No. CA2013-007.

Each of the proposed actions is described in more detail below. If the Project is approved by the City Council, the land use amendment would then be considered by the California Coastal Commission.

3.1 Proposed Discretionary Approvals

3.1.1 General Plan Amendment No. GP2013-002

The City of Newport Beach General Plan assigns land uses to all areas of the City. Under existing conditions, the General Plan designates the proposed Project Site for "Public Facilities Institutions (PF)" land uses.

Proposed General Plan Amendment No. GP2013-002 would change the designation of the proposed Project Site from "Public Facilities (PF)" to "Mixed-Use Horizontal (MU-H1)". As stated in the General Plan. The MU-H1 land use designation "...provides for a horizontal intermixing of uses". More specifically applicable to the proposed Project Site, the MU-H1 land use designation provides that "...portions of properties to the rear of the commercial frontage may be developed for free-standing neighborhood-serving retail, multi-family residential units, or mixed-use buildings that integrate residential with retail uses on the ground floor in accordance with the CN, RM, CV, or MU-V designations respectively" (Newport Beach, 2006a).

3.1.2 Coastal Land Use Plan Amendment No. LC2013-003

The City of Newport Beach has an adopted Coastal Land Use Plan, prepared in accordance with the California Coastal Act of 1976. Under existing conditions, the Newport Beach Coastal Land Use Plan designates the proposed Project Site for “Public Facilities Institutions (PF)” land uses. Proposed Coastal Land Use Plan Amendment No. LC2013-003 would change the designation of the proposed Project Site from “Public Facilities (PF)” to “Mixed-Use Horizontal (MU-H)”.

As stated in the Local Coastal Program Coastal Land Use Plan, the MU-H land use designation is intended to “...provide for the development of areas for a horizontally distributed mix of uses, which may include general or neighborhood commercial, commercial offices, multi-family residential, visitor-serving and marine-related uses, and/or buildings that vertically integrate residential with commercial uses” (Newport Beach, 2009).

3.1.3 Zoning Code Amendment No. CA2013-007

The City of Newport Beach Zoning Code is contained as Title 20 “Planning and Zoning” of the City’s Municipal Code. Under existing conditions, the proposed Project Site is zoned for “PF (Public Facilities).” The PF Zoning District “...is intended to provide for areas appropriate for public facilities, including community centers, cultural institutions, government facilities, libraries, public hospitals, public utilities, and public schools.” Proposed Zoning Code Amendment No. CA2013-007 would change the zoning to the Mixed-Use Mariners Mile (MU-MM) Zoning District. According to City Municipal Code Section 20.22.010.B, the MU-MM Zoning District “...applies to properties located on the inland side of Coast Highway in the Mariners’ Mile Corridor. Properties fronting on Coast Highway may be developed for nonresidential uses only. Properties to the rear of the commercial frontage may be developed for freestanding nonresidential uses, multi-unit residential dwelling units, or mixed-use structures that integrate residential above the ground floor with nonresidential uses on the ground floor.”

3.1.4 Development Potential

Although no demolition or new construction is proposed at this time, the proposed Project would allow land uses and property development that are not allowed under the current land use and zoning designations. Under the current PF (Public Facilities) Zoning, land uses are limited to public facilities, such as community centers, cultural institutions, government facilities, libraries, public hospitals, public utilities, and public schools. All land uses, with the exception of minor utilities, require either a conditional use permit or a minor use permit. Floor area, height, and parking standards are established also by conditional use permits.

The proposed MU-MM (Mixed-Use Mariners Mile), Zoning would allow retail and service uses. Some uses, such as commercial recreation and entertainment, eating and drinking establishments, and vehicle sales require either a minor use permit or a conditional use permit. Non-residential development would be limited to a floor area ratio (FAR) of 0.50, which would result in a maximum floor area of approximately 11,326 square feet.

The MU-MM designation would also allow residential uses as part of a mixed-use development. A minimum of 10 and a maximum of 13 dwelling units would be permitted. Site Development Review approval is required for any mixed-use project. Mixed-use projects are also subject to the site planning, development, and operational standards of Section 20.48.130 of the Zoning Code. A mixed-use development would have to provide a minimum FAR of 0.25 (5,663 square

feet) and the maximum FAR would be 0.50 (approximately 11,326 square feet). The maximum residential FAR would be 1.0 (22,651 square feet).

3.1.5 Approvals Required from Other Agencies

Assuming that the City Council approves the Project's proposed Coastal Land Use Plan Amendment No. LC2013-003, the Coastal Land Use Plan Amendment would require review and approval from the California Coastal Commission (CCC) as part of a noticed public hearing.

4.0 Project Information

1. Project Title

191 Riverside Avenue Land Use and Zoning Amendments

2. Lead Agency Name and Address

City of Newport Beach
Community Development Department
Planning Division
100 Civic Center Drive (P.O. Box 1768)
Newport Beach, CA 92658-8915

3. Contact Person and Phone Number

Patrick Alford, Planning Manager
Planning Division, (949) 644-3235
PAford@newportbeachca.gov

4. Project Location

The proposed Project Site consists of an approximately 0.52-acre site located at the southwest corner of the intersection of Riverside Avenue and Avon Street, within the City of Newport Beach's Mariners Mile Sub-Area (Statistical Area H4). The site's existing address is 191 Riverside Avenue, Newport Beach, CA 92663. Figure 2-2 and Figure 2-3 (previously presented) depict the proposed Project Site's location.

5. Project Sponsor's Name and Address

Gensler
4675 MacArthur Court, Suite 100
Newport Beach, CA 92660

6. General Plan Designation

The proposed Project Site is designated by the General Plan for "Public Facilities (PF)."

7. Zoning

The proposed Project Site is zoned as "PF (Public Facilities) Zoning District."

8. Description of Project:

Please refer to Section 4.0 for a detailed description of the proposed Project.

9. Surrounding Land Uses and Setting: Briefly describe the Project's surroundings:

As previously discussed and presented, the proposed Project Site is located within a portion of the City of Newport Beach that is fully developed with a variety of residential, office, and commercial land uses. To the north, at the northwestern corner of Riverside Avenue and Avon

Street, there is an existing three-story commercial office building currently occupied by a restaurant, offices, and retail sales; single-unit residences with access off of Cliff Drive are located on the bluffs above; beyond to the northeast is Cliff Drive Park and other single-unit residences. To the south and west is Mariners Center, a single-story commercial center, which is occupied with retail sales, restaurants, and personal services. To the east, across Riverside Avenue, are commercial and office buildings; beyond, to the southeast is Mariners Mile Square commercial center, which is occupied with retail sales, restaurants, and personal services. The Mariners Mile commercial corridor is located to the south along West Coast Highway (State Highway 1), which is developed with restaurants, automobile and yacht dealerships, retail sales, personal services, and marine-related retail sales and services. The Newport Heights residential community, which is predominately single-unit residences, is located on the mesa above the Mariners Mile commercial district.

10. Other Public Agencies Whose Approval is Required (e.g., permits, financing approval, or participation agreement)

The Project's proposed amendment to the City's Coastal Land Use Plan and subsequent issuance of a Coastal Development Permit would require discretionary review and approval by the California Coastal Commission.

5.0 Environmental Checklist and Environmental Analysis

5.1 Environmental Factors Potentially Affected

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is "Less than Significant with Mitigation Incorporated," as indicated by the checklist on the following pages. There were no issues identified as a "Potentially Significant Impact."

- | | | |
|---|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology/Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology/ Water Quality |
| <input type="checkbox"/> Land Use and Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population and Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation/ Traffic | <input type="checkbox"/> Utilities/ Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |

5.2 Determination (To Be Completed By the Lead Agency)

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.	<input checked="" type="checkbox"/>
I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.	<input type="checkbox"/>
I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.	<input type="checkbox"/>
I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.	<input type="checkbox"/>
I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.	<input type="checkbox"/>

Submitted by: Patrick Alford, Planning Manager, Planning Division (Signature)

12/23/13

Date

5.3 City of Newport Beach Environmental Checklist Summary

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
I. AESTHETICS				
Would the Project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
II. AGRICULTURE AND FOREST RESOURCES				
Would the Project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
III. AIR QUALITY				
Would the Project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
IV. BIOLOGICAL RESOURCES				
Would the Project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
d) <i>Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impeded the use of native wildlife nursery sites?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) <i>Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) <i>Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
V. CULTURAL RESOURCES				
Would the Project:				
a) <i>Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) <i>Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Disturb any human remains, including those interred outside of formal cemeteries?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
VI. GEOLOGY AND SOILS				
Would the Project:				
a) <i>Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) <i>Strong seismic ground shaking?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
iii) <i>Seismic-related ground failure, including liquefaction?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) <i>Landslides?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) <i>Result in substantial soil erosion or the loss of topsoil?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be located on expansive soil, as defined in Table 18- 1-B of the Uniform Building Code (1994), creating substantial risks to life or property?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Have soils incapable of adequately supporting the use septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
VII. GREENHOUSE GAS EMISSIONS				
Would the Project:				
a) <i>Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
VIII. HAZARDS AND HAZARDOUS MATERIALS				
Would the Project:				
a) <i>Create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
c) <i>Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) <i>Be located on a site which is included on a list of hazardous materials sites which complied pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) <i>For a project within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) <i>For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) <i>Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) <i>Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
IX. HYDROLOGY AND WATER QUALITY				
Would the Project:				
a) <i>Violate any water quality standards or waste discharge requirements?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) <i>Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
c) <i>Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Substantially alter the existing drainage pattern of the site or area, including through the alteration of a course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off-site?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Otherwise substantially degrade water quality?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) <i>Place within a 100-year flood hazard area structures which would impede or redirect flood flows?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) <i>Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) <i>Inundation by seiche, tsunami, or mudflow?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
X. LAND USE AND PLANNING				
Would the Project:				
a) <i>Physically divide an established community?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) <i>Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
c) <i>Conflict with any applicable habitat conservation plan or natural community conservation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XI. MINERAL RESOURCES				
Would the Project:				
a) <i>Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) <i>Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XII. NOISE				
Would the project result in:				
a) <i>Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>For a project located within an airport land use land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) <i>For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XIII. POPULATION AND HOUSING				
Would the Project:				

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) <i>Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) <i>Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XIV. PUBLIC SERVICES				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
<i>Fire protection?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Police protection?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Schools?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Other public facilities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
XV. RECREATION				
a) <i>Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Does the project include recreational facilities or require the construction of or expansion of recreational facilities which might have an adverse physical effect on the environment?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
XVI. TRANSPORTATION/TRAFFIC				
Would the Project:				
a) <i>Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<i>and bicycle paths, and mass transit?</i>				
b) <i>Conflict with an applicable congestion management program, including, but not limited to level of service standard and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) <i>Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) <i>Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Result in inadequate emergency access?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XVII. UTILITIES & SERVICE SYSTEMS				
Would the Project:				
a) <i>Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
e) <i>Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Comply with federal, state, and local statutes and regulation related to solid waste?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.				
a) <i>Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major period of California history or prehistory?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5.4 Evaluation of Environmental Impacts

5.4.1 Aesthetics

<i>Would the Project:</i>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) <i>Have a substantial adverse effect on a scenic vista?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) <i>Substantially degrade the existing visual character or quality of the site and its surroundings?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

Would the project:

a. Have a substantial adverse effect on a scenic vista?

Less-than-Significant Impact. The proposed project would not affect a scenic vista. Figure 5-4 (Designated Public View Points) identifies the existing public view points and coastal view roads identified in the General Plan. The segment of West Coast Highway from the Newport Boulevard Bridge to Bay Shores is identified as a coastal view road; however, this segment is so designated for the intermittent views of Newport Bay. As the proposed Project Site is located on the inland side, the views of the Newport Bay from this segment of West Coast Highway will not be impacted.

Cliff Drive Park and Ensign View Park are located on the bluffs above the proposed Project Site. These parks provide views of Newport Bay, the Pacific Ocean and Santa Catalina Island. As shown in Photos 1-4 of Figure 5-6, the proposed Project Site is visible from several areas in Cliff Drive Park and Ensign View Park. However, the building on the proposed Project Site, as well as those nearby, is not tall enough to block views of the water. Furthermore, any future development on the proposed Project Site would have to conform to the 26-foot/31-foot Height Limit Area and 35-foot Shoreline Height Limit Zone. Since any future development would be restricted to these height limits, there would be no substantial adverse effect on a scenic vista; impacts would be less than significant.

There are also public view points across Newport Bay at the end of Central Avenue and on the Lido Isle Bridge. However, as shown in Photos 6-7 of Figure 5-6, the proposed Project Site is not visible from these viewpoints due to intervening development.

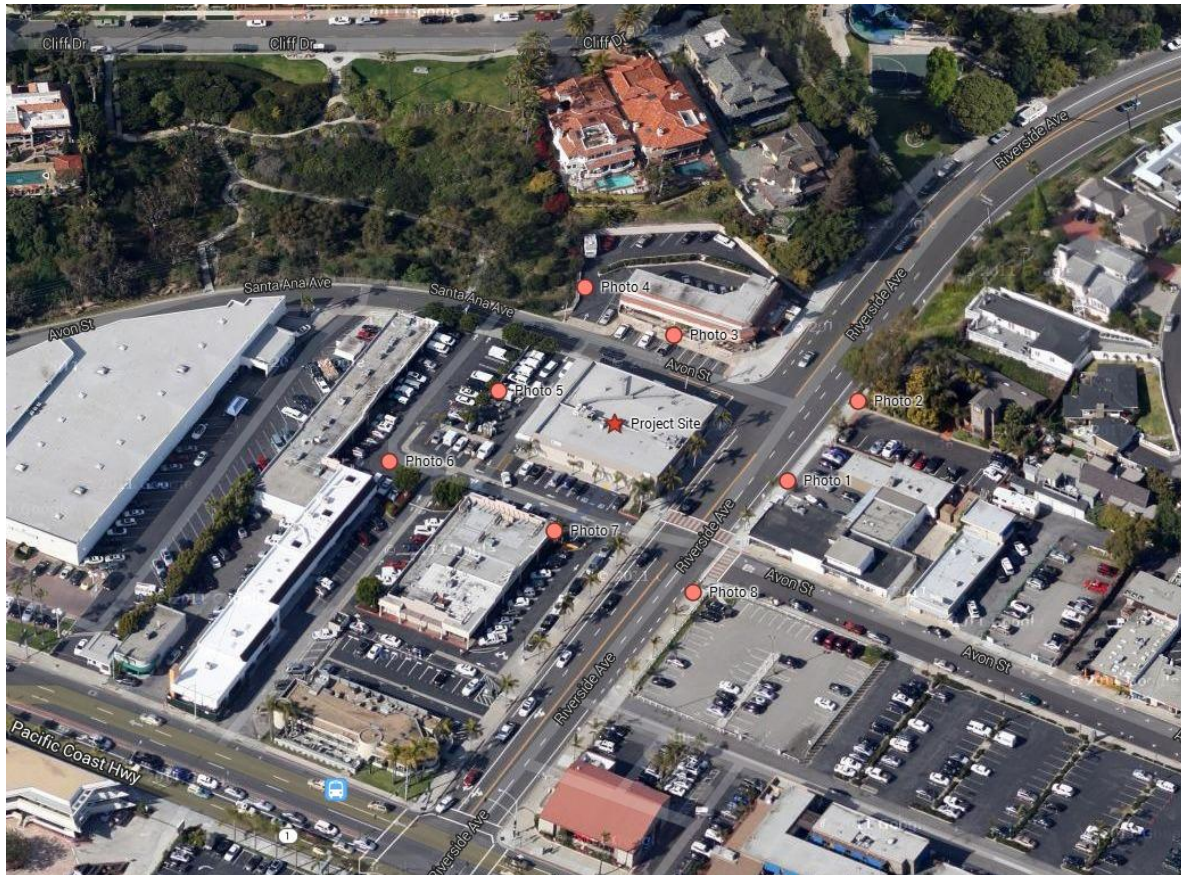
Figure 5-1 Aerial and Site Photos Key Map*Figure 5-2 Site Photos 1-2*

Photo 1



Photo 2

Figure 5-3 Site Photos 3 through 8



Photo 3



Photo 4



Photo 5



Photo 6



Photo 7



Photo 8

Figure 5-4 Designated Public View Points

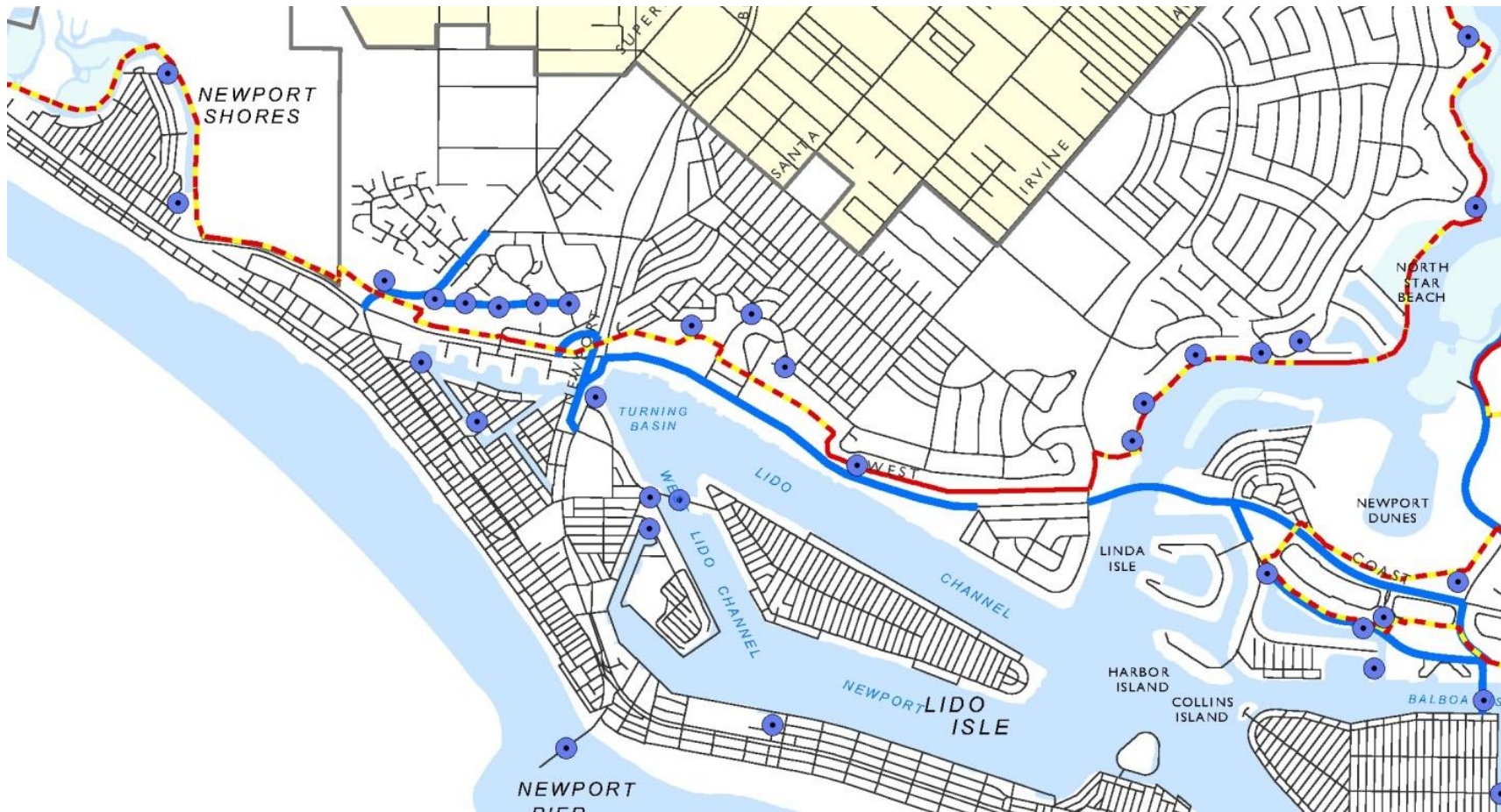


Figure 5-5 Photos from Public View Points

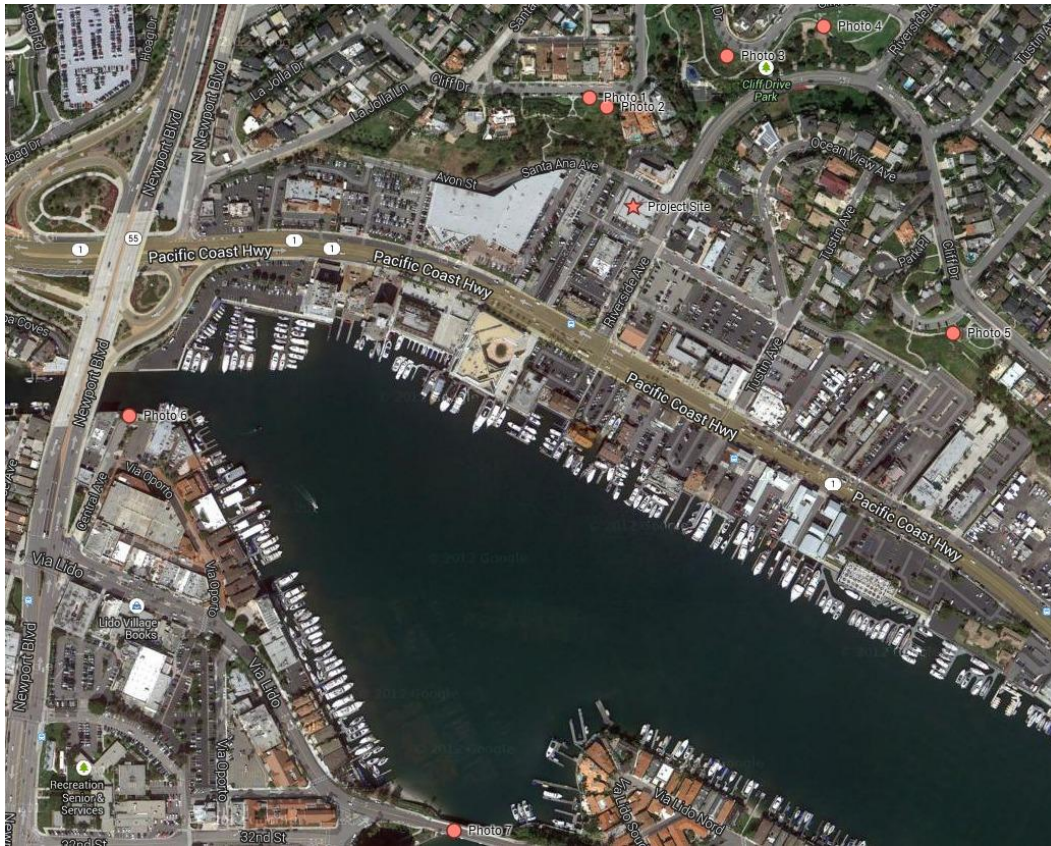


Figure 5-6 Photos 1 through 2



Photo 1



Photo 2

Figure 5-7 Photos 3 through 5



Photo 3



Photo 4



Photo 5



Photo 6



Photo 7

b. Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings along a scenic highway?

No Impact. There are no designated scenic highways in the vicinity of the proposed project (CalTrans, 2009). The segment of West Coast Highway from the Newport Boulevard Bridge to Bay Shores is identified as a coastal view road; however, this segment is so designated for the intermittent views of Newport Bay. As the proposed Project Site is located on the inland side, the views of the Newport Bay from this segment of West Coast Highway will not be impacted. Furthermore, the proposed Project Site does not consist of any rock outcroppings that are of significant visual quality or historic buildings on site. Therefore, the proposed project would not damage a scenic resource along a scenic highway and no impacts would occur.

c. Substantially degrade the existing visual character or quality of the site and its surroundings?

Less-than-Significant Impact. Photos in Figure 5-2 and Figure 5-3 show development in the immediate area. The proposed Project would not affect the existing visual character or quality of the site and its surroundings because the proposed project is located in a developed commercial area and would not damage any scenic resources. The proposed Project Site is located in an area that is primarily developed with commercial buildings zoned for mixed-use development. The proposed Project Site does not provide scenic qualities. The proposed Project would include land use changes to either commercial or mixed-use development, which would be aesthetically consistent with the surrounding commercial per the Zoning Code and the Mariners Mile Design Framework. These land use changes and subsequent future development of the Project Site also would be consistent with the General Plan Land Use Plan and Coastal Land Use Plan designations for the surrounding properties; therefore, impacts would be less than significant.

d. Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?

Less-than-Significant Impact. As mentioned in Response 5.4.1 (c) above, the proposed Project is located in an area that is primarily developed with commercial buildings. Any lighting associated with the subsequent future development would not add significant amounts of lighting to the proposed Project area. All lighting would be developed in accordance to Zoning Code Section 20.30.070 (Outdoor Lighting), which requires all outdoor lighting fixtures to be designed, shielded, aimed, located, and maintained to shield adjacent properties and to not produce glare onto adjacent properties or roadways; therefore, impacts would be less than significant.

5.4.2 Agriculture and Forestry Resources

<i>Would the Project:</i>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

Would the project:

a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

No Impact. The proposed Project would not convert any farmland to a non-agricultural use. The proposed Project Site is not designated as Prime Farmland, Farmland of Statewide Importance, Unique Farmland, or Farmland of Local Importance (California Department of Conservation, 2012). The proposed Project Site and the surrounding land are identified as “urban and built-up land” by the California Department of Conservation’s Farmland Mapping and Monitoring Program. Furthermore, the proposed Project Site is located in a developed urban setting with no agricultural uses on or surrounding the site; therefore, no impacts would occur.

b. Conflict with existing zoning for agricultural use or conflict with a Williamson Act contract?

No Impact. The proposed Project would not conflict with existing zoning or agricultural use. The proposed Project Site is currently zoned PF (Public Facilities), which does not allow agricultural uses. The Williamson Act applies to parcels consisting of least 20 acres of Prime Farmland or at least 40 acres of farmland not designated as Prime Farmland. The proposed Project Site is not located in a Prime Farmland designation, nor does it consist of more than 40 acres of farmland. Therefore, the site is not eligible to be placed under a Williamson Act Contract, and no impacts would occur.

c. Involve other changes in the existing environment that, due to their location or nature, could result in conversion of Farmland to non-agricultural use?

No Impact. The proposed Project would not result in the conversion of farmland to non-agricultural use. The proposed Project Site is not currently used for agriculture. The proposed Project Site is not located near or adjacent to any areas that are actively farmed. Therefore, the proposed Project would not disrupt or damage the operation or productivity of any areas designated as farmland, and no farmland could be affected by the proposed land use changes. No impacts would occur.

5.4.3 Air Quality

<i>Would the Project:</i>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) <i>Conflict with or obstruct implementation of the applicable air quality plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) <i>Violate any air quality standard or contribute to an existing or projected air quality violation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Expose sensitive receptors to substantial pollutant concentrations?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Create objectionable odors affecting a substantial number of people?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

Would the project:

a. Conflict with or obstruct implementation of the applicable air quality plan?

No Impact. The proposed Project Site is located in the South Coast Air Basin (Basin). The South Coast Air Quality Management District (SCAQMD) is required, pursuant to the Federal Clean Air Act, to reduce emissions of criteria pollutants for which the Basin is in nonattainment (i.e., ozone [O₃], and particulate matter equal to or less than 10 and less than 2.5 microns in diameter [PM₁₀ and PM_{2.5}, respectively]). As such, the Project would be subject to the SCAQMD's 2007 Air Quality Management Plan (AQMP). The AQMP contains a comprehensive list of pollution control strategies directed at reducing emissions and achieving ambient air quality standards. These strategies are developed, in part, based on regional population, housing, and employment projections prepared by the Southern California Association of Governments (SCAG).

SCAG is the regional planning agency for Los Angeles, Orange, Ventura, Riverside, San Bernardino, and Imperial Counties and addresses regional issues relating to transportation, economy, community development, and environment. With regard to air quality planning, SCAG has prepared the Regional Comprehensive Plan (RCP), which includes Growth Management and Regional Mobility chapters that form the basis for the land use and transportation control portions of the AQMP. These documents are used in the preparation of the air quality forecasts and consistency analysis included in the AQMP. Both the RCP and AQMP are based, in part, on projections originating with County and City General Plans.

Emissions generated by subsequent construction and operation would not exceed thresholds as described in the analysis below in 5.4.3 (b) and 5.4.3 (c). The thresholds in 5.4.3 (b) and 5.4.3 (c) are based on the AQMP and are designed to bring the Basin into attainment for the criteria pollutants for which it is in nonattainment. Therefore, because the proposed project does not exceed any of the thresholds it will not conflict with SCAQMD's goal of bringing the Basin into attainment for all criteria pollutants and, as such, is consistent with the AQMP. Impacts would not occur and no mitigation measures are necessary.

b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Less-than-Significant Impact. As discussed in Response 543 (a), the proposed Project Site is located in the Basin. State and federal air quality standards often are exceeded in many parts of the Basin. The proposed project involves amendments to the land use plans, which would not in themselves result in any construction or operational impacts. However, the proposed land use and zoning changes could result in the future construction of up to 11,326 square-feet for commercial floor area and 13 dwelling units. Subsequent construction activities are estimated to extend over a period of approximately twelve months. For the purpose of estimating emissions associated with the construction activities, a project time frame of January 2, 2015, through December 11, 2015 was assumed. Emissions were calculated using the California Emissions Estimator Model (CalEEMod) Version 2011.1.1. As shown in Table 5-1 and Table 5-2 below, all criteria pollutant emissions would remain well below their respective SCAQMD daily significance thresholds; therefore, impacts would be less than significant.

Table 5-1 Overall Construction Emissions

Activity	ROG	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Maximum Daily Emissions (lbs/day)	3.51	14.03	11.02	0.00	1.21	0.93
SCAQMD Regional Emissions Threshold (lbs/day)	75	100	550	150	150	55
Threshold Exceeded?	No	No	No	No	No	No
ROG = reactive organic gas. NOX = oxides of nitrogen. CO = carbon monoxide. SOX = sulfur oxides. PM10 = particulate matter equal to or less than 10 microns in diameter. PM2.5 = particulate matter less than 2.5 microns in diameter.						

Table 5-2 Overall Operational Emissions

Activity	ROG	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Maximum Daily Emissions (lbs/day)	2.8	4.0	22.36	0.06	4.16	0.33
SCAQMD Regional Emissions Threshold (lbs/day)	55	55	550	150	150	55
Threshold Exceeded?	No	No	No	No	No	No
ROG = reactive organic gas. NOX = oxides of nitrogen. CO = carbon monoxide. SOX = sulfur oxides. PM10 = particulate matter equal to or less than 10 microns in diameter. PM2.5 = particulate matter less than 2.5 microns in diameter.						

- c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is a nonattainment area for an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?**

Less-than-Significant Impact. SCAQMD's approach for assessing cumulative impacts is based on the AQMP forecasts of attainment of ambient air quality standards in accordance with the requirements of the Federal and State Clean Air Acts. As discussed earlier in Response 5.4.3 (a), the proposed project would be consistent with the AQMP, which is intended to bring the Basin into attainment for all criteria pollutants.² In addition, the mass regional emissions calculated for the proposed project (Forecast of Regional Construction Emissions and Forecast of Regional Operational Emissions) are less than the applicable SCAQMD daily significance thresholds that are designed to assist the region in attaining the applicable state and national ambient air quality standards. The regional daily significance thresholds take into account other activity occurring in the region, and therefore, inherently address a project's contribution to cumulative air quality impacts. As such, cumulative impacts would be less than significant.

- d. Expose sensitive receptors to substantial pollutant concentrations?**

Less-than-Significant Impact. As described in Response 5.4.3 (b) above, construction and operation of the proposed project would not result in any substantial localized or regional air

pollution impacts and therefore would not expose any nearby sensitive receptors to substantial pollutant concentrations.

e. Create objectionable odors affecting a substantial number of people?

Any subsequent development would not likely result in any land uses typically associated with emitting objectionable odors. Land uses generally associated with odor complaints include agricultural uses (livestock and farming), wastewater treatment plants, food processing plants, chemical plants, composting operations, refineries, landfills, dairies, and fiberglass molding facilities, none of which are permitted under the proposed MU-MM Zoning District. The potential for odor sources associated with construction resulting from the proposed Project, which would be limited to construction equipment exhaust and the application of asphalt and architectural coatings during construction activities.

Construction-related odors would be temporary and intermittent in nature and would cease upon completion of the respective phases of construction activity. These odors are common in urban and suburban areas and are generally not objectionable to a large majority of the population. Additionally, mandatory compliance with SCAQMD Rules would limit odor emissions from construction vehicles. For these reasons, temporary and intermittent construction-related odors would be less than significant.

5.4.4 Biological Resources

<i>Would the Project:</i>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) <i>Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) <i>Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) <i>Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) <i>Interfere substantially with the movement of any native resident or migratory fish or wildlife species or</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<i>Would the Project:</i>				
<i>with established native resident or migratory wildlife corridors, or impeded the use of native wildlife nursery sites?</i>				
e) <i>Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) <i>Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

Would the project:

- a. **Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?**

No Impact. The proposed Project would not modify or have an adverse effect on existing habitat. The proposed Project Site is fully developed with an existing, one-story institutional building and a surface parking lot and is located in a fully urbanized setting. The General Plan and the Coastal Land Use Plan identify Environmental Study Areas (ESA) that provide an overview of known and potential biological resources. Figure NR2 of the General Plan Natural Resources Element and Map 4-1 of the Coastal Land Use Plan show that the proposed Project Site is not located in an ESA (Newport Beach 2006a, 2009a). The proposed Project Site is void of any native vegetation or wildlife habitat; therefore, the proposed Project would not modify habitat or adversely affect sensitive biological resources, and no impacts would occur.

- b. **Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?**

No Impact. The proposed Project would not have an adverse effect on any riparian habitat. According to Map 4-1 of the Coastal Land Use Plan and Figure NR2 of the General Plan Natural Resources Element, the proposed Project Site is not located in an ESA (Newport Beach 2006a, 2009a). The proposed Project Site is fully developed and void of any riparian habitat or other natural communities. Therefore, the proposed project would not accommodate riparian habitat or other sensitive natural community, and no impacts would occur.

- c. **Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marshes, vernal pools, coastal wetlands, etc.) through direct removal, filling, hydrological interruption, or other means?**

No Impact. The proposed Project Site is fully developed and does not have federal wetlands present on site nor are there wetlands in the general vicinity of the proposed Project Site. Furthermore, the proposed Project Site is completely lacking any jurisdictional waters; therefore, no impacts would occur.

d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

No Impact. The proposed Project would not interfere with the movement of fish or wildlife. The proposed Project Site is located in fully urbanized setting and is not connected to other undeveloped lands. According to Figures NR1 and NR2 of the City of Newport Beach General Plan Natural Resources Element, the proposed Project Site is not identified as a biological resources area or located in an ESA and is not connected to any wildlife corridors (Newport Beach 2006a). Therefore, the proposed Project Site does not act as a wildlife corridor that would facilitate movement of wildlife species. It does not support daily movement of species from breeding, roosting, and nesting sites nor does it provide stopover habitat for migratory bird species; therefore, no impacts would occur.

e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

No Impact. The proposed Project Site does not contain any biological resources that are protected by local policies. The proposed Project Site has several ornamental trees. According to the City of Newport Beach General Plan Natural Resources Element, the proposed Project Site is not located in an area where sensitive and rare terrestrial and marine resources occur (Newport Beach 2006a). Furthermore, according to the County of Orange General Plan Resources Element, the proposed Project Site is not located within the boundaries of the Orange County Natural Communities Conservation Plan (County of Orange 2005). For additional details regarding local policies or ordinances, refer to Section IX, Land Use and Planning. The project would not conflict with any local policies or ordinances protecting biological resources; therefore, no impacts would occur.

f. Conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan?

No Impact. The City of Newport Beach is a signatory to a Natural Resource Community Conservation Plan agreement. However, per Figure VI-5 of the Resources Element of the Orange County General Plan, the proposed Project Site is not located within a designated Natural Communities Conservation Plan area (Newport Beach, 2006a, County of Orange, 2005).. Therefore, it not subject to the provisions of any local, regional, or state habitat conservation plan or Natural Communities Conservation Plan area and no impacts would occur.

5.4.5 Cultural Resources

<i>Would the Project:</i>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) <i>Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) <i>Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Disturb any human remains, including those interred outside of formal cemeteries?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion**Would the project:****a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?**

No Impact. According to the City of Newport Beach General Plan Historical Resources Element, the proposed Project Site does not have any structures listed on local, state, or federal historic resource lists or structures that are eligible for such lists. There are no such historical structures adjacent to or in the general vicinity of the proposed Project Site. Furthermore, according to HR1 in the General Plan Historic Resources Element and Map 4-4 in the Coastal Land Use Plan there are no historical resources or structures located onsite or within the general vicinity of the proposed Project Site (Newport Beach 2006a, 2009); therefore, no impacts would occur.

b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?

Less-than-Significant Impact. The proposed Project Site is located in an urbanized area and is currently developed. Ground disturbances from the previous development in the last century likely would have uncovered or inadvertently destroyed any unknown archeological resources. No known recorded archeological resources are located in the proposed Project Site. The proposed project would involve minimal surface soil disturbance and grading. Therefore, it is highly unlikely the proposed project would disturb any unknown archaeological resources, and impacts would be less than significant.

c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Less-than-Significant Impact. As discussed above in 5.4.5 (b), the proposed Project Site is currently developed. There are no unique geological features currently on site. Ground

disturbances from previous development likely would have either uncovered or inadvertently destroyed any unknown buried paleontological resources. Furthermore, the proposed Project Site is not listed as an area that has yielded archaeological and paleontological resources (Newport Beach 2006a). Any subsequent development resulting from the proposed Project would involve minimal surface soil disturbance and grading. Therefore, it is highly unlikely the proposed Project would disturb any unknown paleontological resources, and impacts would be less than significant.

d. Disturb any human remains, including those interred outside of formal cemeteries?

Less-than-Significant Impact. The proposed Project Site is not a formal cemetery and it is not adjacent to a formal cemetery. The proposed Project Site is not known to contain human remains interred outside formal cemeteries. The proposed Project Site is not known to be located on a burial ground. The proposed Project Site is currently developed and has been disturbed in the past. Any subsequent development resulting from the proposed Project would likely involve grading and shallow soil disturbance. Discovery of human remains is governed by state law, which requires stopping work and reporting to authorities. Disturbance of human remains, including those of Native Americans, is possible. Should human remains be uncovered during construction, as specified by State Health and Safety Code Section 7050.5, no further disturbance will occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code 5097.98. If such a discovery occurs, excavation or construction will halt in the area of the discovery, the area will be protected, and consultation and treatment will occur as prescribed by law. If the Coroner recognizes the remains to be Native American, he or she will contact the Native American Heritage Commission, who will appoint the Most Likely Descendent (MLD). Additionally, if the bones are determined to be Native American, a plan will be developed regarding the treatment of human remains and associated burial objects, and the plan will be implemented under the direction of the MLD.

5.4.6 Geology and Soils

<i>Would the Project:</i>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<i>Would the Project:</i>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18- 1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

Would the project:

Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

- a1. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.**

No Impact. There are no Alquist-Priolo zones in the City of Newport Beach; therefore, no impacts would occur (Newport Beach, 2006b). Fault rupture impacts generally occur near the fault line where the fault shears or slips and the ground is offset in some way; therefore, no impact would occur.

- a2. Strong seismic groundshaking?**

Less-than-Significant Impact. All of Southern California, including the City of Newport Beach, is located in a seismically active area and is subject to strong seismic groundshaking. The City of Newport Beach is located in the northern part of the Peninsular Ranges Province, an area that is exposed to risk from multiple earthquake fault zones. The highest risks originate from the Newport-Inglewood fault zone, the Whittier fault zone, the San Joaquin Hills fault zone, and the Elysian Park fault zone, each with the potential to cause moderate to large earthquakes that

would cause ground shaking in Newport Beach and nearby communities. Policies contained in the Newport Beach General Plan (Newport Beach, 2006a) would ensure that adverse effects caused by seismic and geologic hazards such as strong seismic ground shaking are minimized. For example, Policy S4.1 requires regular update to building and fire codes to provide for seismic safety and design, and Policies S4.4 and S4.5 ensure that new development is not located in areas that would be affected by seismic hazards. Additionally, new development would be required to comply with the building design standards of the California Building Code Chapter 33 for construction of new buildings and/or structures, and specific engineering design and construction measures would be implemented to anticipate and avoid the potential for adverse impacts (Newport Beach, 2006b). All proposed demolition and building would occur in accordance with building and safety standards as specific by the City Building Division. All buildings would be constructed in compliance with the latest earthquake-resistant design available and relevant codes. All project components would be in compliance with the most up-to-date building codes and plans would be reviewed and approved by City Building Division prior to construction. Furthermore, the dwelling units would be inspected by a trained and qualified building inspector under the supervision of the Building Official prior to occupation; therefore, impacts would be less than significant.

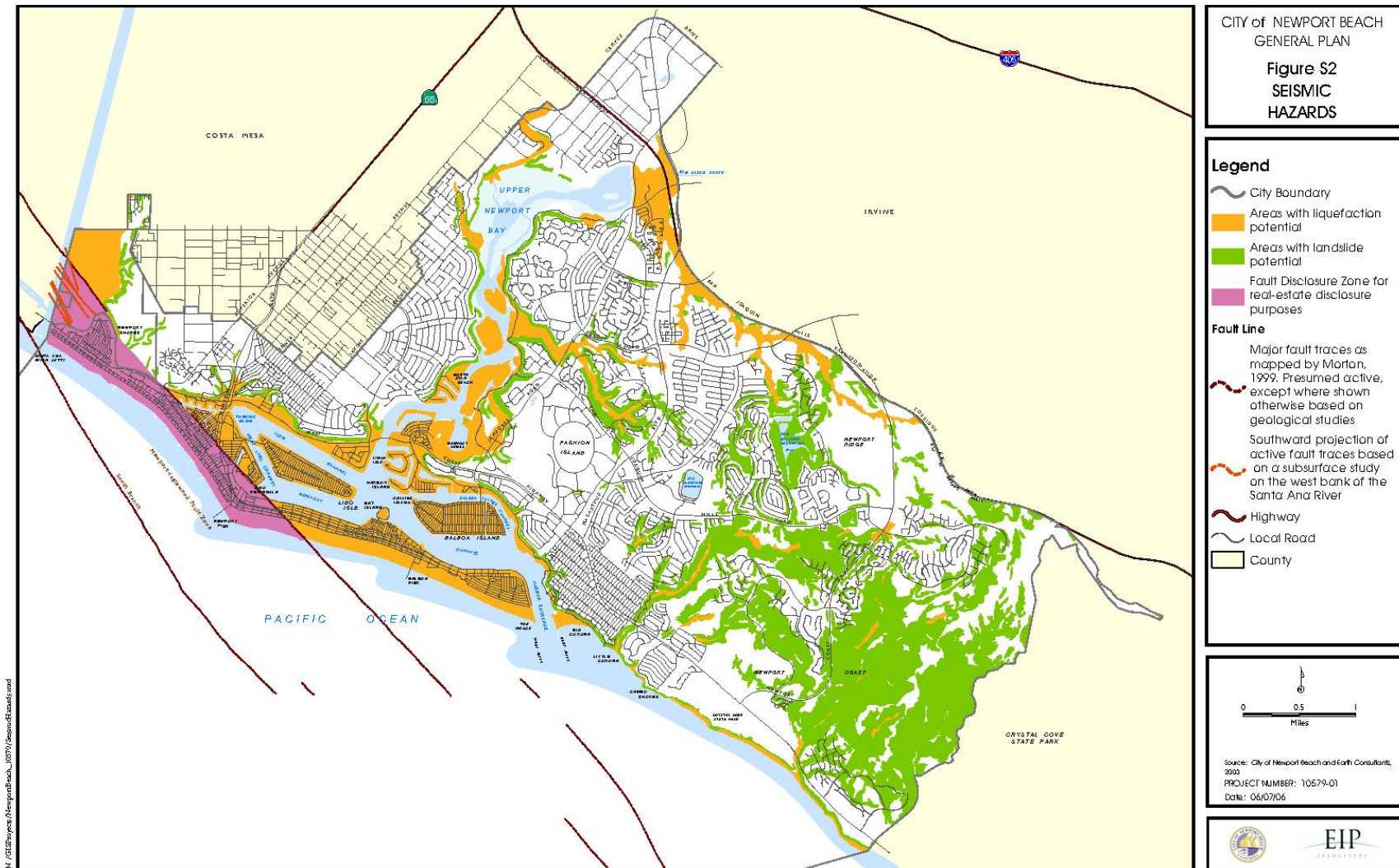
a3. Seismic-related ground failure, including liquefaction?

Less-than-Significant Impact. Figure 5-8 (Existing Liquefaction and Seismic Hazard Areas) identifies areas of potential liquefaction in the City of Newport Beach. The proposed Project Site is located in an area identified as having a potential for soil liquefaction when subject to a seismic event (Newport Beach 2006a). Liquefaction is a geologic process that causes ground failure and typically occurs in loose, saturated sediments primarily of sandy composition (Newport Beach 2006a). It is likely that a nearby moderate to strong earthquake would cause extensive damage to buildings and infrastructure in the area. However, compliance with the standards set forth in the current California Building Code and City policies in its General Plan Safety Element would minimize risk of injury, loss of life, and property damage caused by earthquake hazards or geologic disturbances. Specifically, Policies S4.1 through S4.6 include requiring new development to be in compliance with the most recent seismic and other geologic hazard safety standards (Newport Beach 2006b). All proposed project components would occur in accordance with building and safety standards; furthermore, the foundations would be engineered to address liquefaction potential. Therefore, impacts on people or structures as a result of seismic-related ground failure, including liquefaction, are less than significant.

a4. Landslides?

No Impact. The proposed Project would have no impact related to landslides. Figure 5-8 (Existing Liquefaction and Seismic Hazard Areas) identifies areas with landslide potential and the proposed Project Site is not located within any area with landslide potential. The proposed Project Site is generally flat and implementation of the Project would not require slope cuts that could result in landslides; therefore, no impacts associated with landslides would occur.

Figure 5-8 Existing Liquefaction and Seismic Hazard Areas



b. Result in substantial soil erosion or the loss of topsoil?

Less-than-Significant Impact. The proposed Project Site does not contain substantial amounts of topsoil. The proposed Project Site is currently developed and consists of mostly impermeable surfaces (building and surface parking). Small amounts of exposed on-site soils would be prone to soil erosion during the construction phase of any subsequent development. However, any such development would likely involved minimal cut and fill and therefore loss of topsoil is greatly minimized. As required by the City's Municipal Code, grading activities will obtain a grading permit from the City's Building Official (Newport Beach 2006b). Chapter 15.10 contains grading, fill, drainage, and erosion control standards that will be applied to the corresponding construction activity (Newport Beach 2006b). Any subsequent development will implement standard erosion control measures and construction Best Management Practices (BMPs) that would minimize impacts; therefore, impacts would be less than significant.

c. Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project and potentially result in an on-site or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

Less-than-Significant Impact. The proposed Project Site has been developed and is located in an area identified by the City of Newport Beach General Plan as having a potential for soil liquefaction when subjected to a seismic event. As discussed above in 5.4.6 VI (a3), it is likely that a nearby moderate to strong earthquake would cause extensive damage to buildings and infrastructure in the area. However, compliance with the standards set forth in the current California Building Code and City policies in its General Plan Safety Element (Newport Beach 2006a) would minimize risk of injury, loss of life, and property damage caused by earthquake hazards or geologic disturbances. All proposed Project components would occur in accordance with building and safety standards. Furthermore, as discussed in Response 5.4.6 VI(a4), no impacts would occur on people or structures as a result of landslide. Impacts on people or structures as a result of seismic-related ground failure, including liquefaction (as discussed in Response 5.4.6 VI (a3), lateral spreading, subsidence or collapse are less than significant.

d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

Less-than-Significant Impact. Fine-grained soils, such as silts and clays, may contain variable amounts of expansive clay minerals. These minerals can undergo significant volumetric changes as a result of changes in moisture content. The upward pressures induced by the swelling of expansive soils can have significant harmful effects upon structures and other surface improvements (Earth Consultants International, 2003). Most of the Newport Mesa area are underlain by marine terrace deposits and young alluvial/alluvial fan sediments that are compressed primarily of granular soils (silty sand, sand, and gravel) (Earth Consultants International, 2003 and USGS, 1965). Such units are typically in the low to moderately low range for expansion potential. However, thick soil profiles developed on the older marine deposits exposed west of Newport Bay are typically clay-rich and will probably fall in the moderately expansive range. Areas underlain by beach and dune sands have very little expansion potential (Earth Consultants International 2003). Any subsequent development would likely involve a minimal amount of cut and fill. As discussed in Response 5.4.6 V(b), the proposed Project Site is primarily underlain by nonnative soil and/or artificial fill with identified alluvial sediments (USGS 1965). Typically fill is made to have low expansive potential because it is designed to support the structures which are built upon it. Therefore, it is assumed that the proposed Project Site is located in an area with low expansive soil potential. Any subsequent

development would occur in accordance with building and safety standards, and impacts would be less than significant.

- e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater?**

No Impact. No septic tanks or alternative wastewater disposal systems are included as part of the proposed project. The proposed Project Site would tie into the existing sewer line; therefore, no impacts would occur.

5.4.7 Greenhouse Gas Emissions

<i>Would the Project:</i>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) <i>Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

Would the Project:

- a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?**

The City of Newport Beach considers projects emitting 3,000 metric tons of CO_{2e} per year or less to be a less-than-significant contribution to greenhouse gasses, thereby not requiring further analysis. As discussed earlier in Response 5.4.3 (b), the amounts of GHG emissions that would result from development and operations of the proposed project are less than the applicable screening level threshold set by the City of Newport Beach. As such, any subsequent development would be consistent with the state's goals of reducing GHG emissions to 1990 levels by 2020; therefore, the proposed project's contribution to cumulative climate change GHG emissions would be less than significant.

- b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?**

No Impact. The proposed Project would comply with all applicable plans, policies, and regulations adopted for the purpose of reducing GHG emissions; accordingly, no impact due to a conflict with any plans, policies, or regulations adopted for the purpose of reducing GHG emissions would occur.

5.4.8 Hazards and Hazardous Materials

<i>Would the Project:</i>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) <i>Create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) <i>Be located on a site which is included on a list of hazardous materials sites which complied pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) <i>For a project within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) <i>For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) <i>Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) <i>Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

Would the Project:

- a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Less than Significant Impact. Any subsequent development may involve remodeling or demolition of the existing building. Asbestos-containing building materials or lead-based paint may be present. However, the City of Newport Beach requires building permit applications to include a declaration of compliance with Code of Federal Regulations Part 61 of Title 40 and AQMD Rule 1403 to ensure proper disposal of any hazardous materials, if discovered. Impacts therefore are considered less than significant.

- b. **Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?**

Less-than-Significant Impact. Any subsequent development or operation resulting from the proposed Project would not result in the reasonably foreseeable upset or release of any hazardous materials. The Newport Beach Fire Department is an all risk Fire Department. This means it has the resources to respond and provide services to all types of emergencies including: fires, medical emergencies, hazardous materials problems, beach rescues, traffic accidents, high rise incidents, wildland fires, major flooding and disaster (Newport Beach 2009). Furthermore, the Fire Department enforces city, state, and federal hazardous materials regulations for Newport Beach. City regulations include Unified Hazardous Waste and Hazardous Materials Management Regulatory Program, Chapter 9.04 of the City's Municipal Code, and implementation of the California Accidental Release Prevention Program (Newport Beach 2006b). Elements of these programs include spill mitigation and containment and securing of hazardous materials containers to prevent spills. Compliance with these requirements is mandatory as standard permitting conditions and would minimize the potential for the accidental release or upset of hazardous materials, helping to ensure public safety. Construction equipment that would be used in any development resulting from the proposed Project has the potential to release oils, greases, solvents, and other finishing materials through accidental spills. Spill or upset of these materials would have the potential to affect surrounding land uses. However, the consequences of construction-related spills are generally reduced in comparison to other accidental spills and releases because the amount of hazardous material released during a construction-related spill is small as the volume in any single piece of construction equipment is generally less than 50 gallons. Construction-related spills of hazardous materials are not uncommon, but the enforcement of construction and demolition standards, including BMPs by appropriate local and state agencies (e.g., Newport Beach Fire Department), would minimize the potential for an accidental release of petroleum products and/or hazardous materials or explosions during construction. Federal, state, and local controls have been enacted to reduce the effects of potential hazardous materials spills.

Any construction and operation resulting from the proposed Project would not create significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; therefore, impacts would be less than significant.

c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

No Impact. The proposed Project would not emit hazardous emissions or require handling hazardous or acutely hazardous materials, substances, or waste. The closest school to the proposed Project Site is Horace Ensign Intermediate School, located 0.40 miles northeast of the proposed Project Site at 2000 Cliff Drive. Therefore, the proposed project would not emit hazardous emissions within one-quarter mile of a school, and no impacts would occur.

d. Be located on a site that is included on a list of hazardous materials sites that complied pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

No Impact. The proposed Project Site is not included on any list of hazardous materials sites that complied pursuant to Government Code Section 65962.5. (Newport Beach 2006b). Furthermore, the proposed Project Site is not identified in any of the California hazardous materials databases. A search of 191 Riverside Avenue in the California Environmental Protection Agency (CalEPA) Cortese List as a Department of Toxic Substances and Control Hazardous Waste site did not yield any results, and the proposed Project Site address is not in the EnviroStor database of hazardous substances release sites (CalEPA 2009a, 2009b). Geotracker, the California database of leaking underground storage tanks, does not report any leaking underground storage tanks at the proposed Project Site or in the vicinity of the proposed Project Site (Geotracker 2009). Finally, there are no active Cease and Desist Orders or Clean Up and Abatement Orders for hazardous materials/facilities in the Project vicinity or at the proposed Project Site (CalEPA 2009c). Therefore, the proposed Project would not create a significant hazard to the public or the environment, and no impacts would occur.

e. For a project within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

No Impact. The closest airport is John Wayne Airport, which is approximately 3.7 miles northeast of the proposed Project Site. The proposed Project Site is not located within the boundaries of the Airport Environs Land Use Plan (AELUP) for John Wayne Airport. Furthermore, according to the City of Newport Beach General Plan Safety Element (Newport Beach, 2006a), the proposed Project Site is not located in the John Wayne Airport Accident Potential Zone. Therefore, no impacts would occur.

f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

No Impact. As described above in 5.4.8 (e) the John Wayne Airport is located approximately 3.7 miles northeast of the proposed Project Site. There is no private airstrip in the vicinity of the proposed Project. Therefore, the proposed Project would not result in a safety hazard for people residing the project area; no impacts would occur, and impacts would be less than significant.

g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

No Impact. The proposed Project would not impair or physically affect any adopted emergency response plan or evacuation plan. The proposed Project would not require the closure of any public or private streets or roadways and would not impede access of emergency vehicles to the Project Site or any surrounding areas during construction or operation. In the event of any temporary closures of the private streets adequate access would be maintained for the residents and emergency vehicles. Further, the proposed Project would provide all required emergency access in accordance with the requirements of the Newport Beach Fire Department during plan review by the Fire Department. For additional information regarding the tsunami evacuation plan please refer to Section 5.4.9 (j), Hydrology and Water Quality. No impacts on emergency response would occur.

h. Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

No Impact. The proposed Project Site is not located in an area adjacent to or intermixed with wildlands. Furthermore, the City of Newport Beach General Plan Safety Element (Newport Beach, 2006b) identifies the proposed Project Site as Low/None Fire Susceptibility. Therefore, people or structures would not be exposed to a significant risk of loss, injury, or death involving wildland fires as a result of the proposed Project. No impacts would occur.

5.4.9 Hydrology and Water Quality

Would the Project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) <i>Violate any water quality standards or waste discharge requirements?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) <i>Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) <i>Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Would the Project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of a course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

Would the project:

a. Violate any water quality standards or waste discharge requirements?

No Impact. The City of Newport Beach is included in four watersheds: Newport Bay, Newport Coast, Talbert, and San Diego Creek (Newport Beach 2006a). Each of these watershed areas is under the jurisdiction of the Santa Ana Regional Water Quality Control Board (SARWQCB) and subject to the objectives, water quality standards, and BMPs requirements established in the Sana Ana River Basin Plan and Orange County Drainage Area Management Plan (DAMP). Under the provisions of City of Newport Beach Municipal Code Chapter 14.36 (Water Quality), any discharge that would result in or contribute to degradation of water quality via stormwater runoff is prohibited. New development or redevelopment projects are required to comply with provisions set forth in the DAMP, including the implementation of appropriate BMPs identified in the DAMP, to control stormwater runoff so as to prevent any deterioration of water quality that would impair subsequent or competing beneficial uses of water (Newport Beach 2006a). Newport Bay is designated as “water quality-limited” for four impairments under the Federal Clean Water Act’s Section 303(d) List. Under Section 303(d), states, territories, and authorized tribes are required to develop lists of impaired waters, establish priority rankings for waters on the lists, and develop total maximum daily loads (TMDLs) for these waters. For these water

quality limited bodies, the SARWQCB and the U.S. Environmental Protection Agency (EPA) have developed TMDLs for the following substances in Newport Beach: sediment, nutrients, fecal coliform, and toxic pollutants (Newport Beach 2009). Furthermore, a municipal separate storm sewer system (MS4) permit is provided to the City by the SARWQCB under the National Pollutant Discharge Elimination System (NPDES) to regulate the amount of stormwater contaminants that are delivered into the City's waterways (Newport Beach 2009). MS4 permits require an aggressive water quality ordinance, specific municipal practices to maintain City facilities, and the use of BMPs in development activities to further reduce the amount of contaminants in urban runoff (City of Newport Beach General Plan 2006b).

- b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge, resulting in a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?**

No Impact. The proposed Project Site is currently developed and is not considered a source for groundwater recharge (Newport Beach 2006b). The proposed Project would not increase the impervious area on the site. The proposed Project also would not directly withdraw groundwater from beneath the site. No impacts would occur.

- c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on site or off site?**

Less-than-Significant Impact. No streams or rivers are located on site, and therefore, the proposed Project would not directly affect the flow of a river or stream. Any subsequent development may involve some minor grading for construction. These activities would minimally alter the existing drainage pattern of the site. The proposed Project would not increase the impervious area on the site as the existing site fully developed with a building and pavement, save for a small 225-square-foot landscaped area near the southeast corner of the Project Site. Therefore, impacts from erosion, either on site or off site would be less than significant.

- d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on site or off site?**

Less-than-Significant Impact. No streams or rivers are located on site, and therefore, the proposed Project would not directly affect the flow course of a river or stream. Because of the urban character of the area and the the proposed Project Site is almost fully-developed, substantial amounts of stormwater are not readily absorbed into the soil. Any subsequent development would minimally alter the existing drainage pattern of the site but would not increase the impervious area.

- e. Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?**

Less-than-Significant Impact. Any subsequent development would minimally alter the existing drainage pattern of the Project Site and would not increase the impervious area.

Therefore, there would not be a substantial increase in runoff water that would exceed the capacity of the existing or planned stormwater drainage system. Therefore, increased runoff would not exceed the capacity of existing storm drain systems or generate polluted runoff. Impacts on stormwater, therefore, would be less than significant.

f. Otherwise substantially degrade water quality?

Less-than-Significant Impact. The proposed Project would not substantially degrade water quality. See Response 5.4.9 (e). Impacts on water quality would be less than significant.

g. Place housing within a 100-year flood hazard area, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

No Impact. Figure 5-9 (Flood Hazards) identifies the flooding hazards in the City of Newport Beach. The proposed Project Site is not located in an area of a 500-year flood or a 100-year flood according to the City of Newport Beach General Plan (Newport Beach 2006a). Therefore, there would be no impact.

h. Place within a 100-year flood hazard area structures that would impede or redirect flood flows?

No Impact. As discussed in Section 5.4.9 (g), the proposed Project Site is not located in an area of a 100-year flood (Newport Beach 2006a). Therefore, the proposed project would not impede or redirect 100-year floodflows, and there would be no impacts.

i. Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?

Less-than-Significant Impact. As discussed in Section 5.4.9 (g), the proposed Project Site is not flood area. Implementation of the flood protection policies contained in the General Plan and City Municipal Code would reduce impacts from flooding as a result of levee failure, and impacts would be less than significant.

j. Inundation by seiche, tsunami, or mudflow?

Less-than-Significant Impact. The proposed Project Site is located in a 100-year zone for tsunami inundation at extreme high tide (City of Newport Beach 2006a). Figure 5-10 (Coastal Hazards) identifies the City of Newport Beach evacuation routes in the event of a tsunami. The City also has a tsunami contingency plan and evacuation routes in place (Newport Beach 2006a). Implementation of the land uses of the proposed Project could result in a maximum of 13 additional dwelling units within the identified tsunami inundation zone. This would not substantially increase exposure to existing hazards, or substantially affect evacuation of the Mariners Mile area in the event of a tsunami; therefore, impacts would be less than significant.

Figure 5-9 Flood Hazards

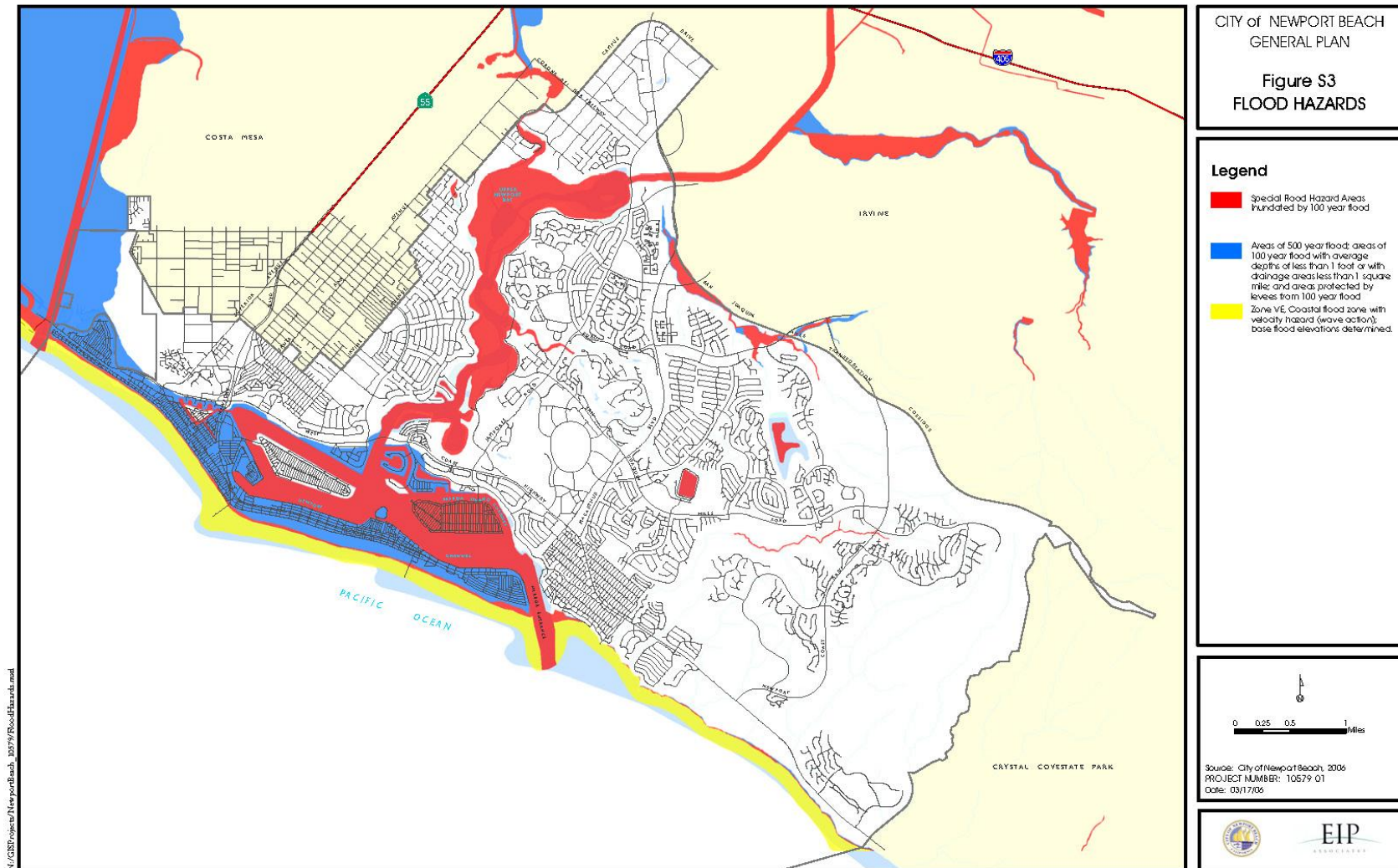
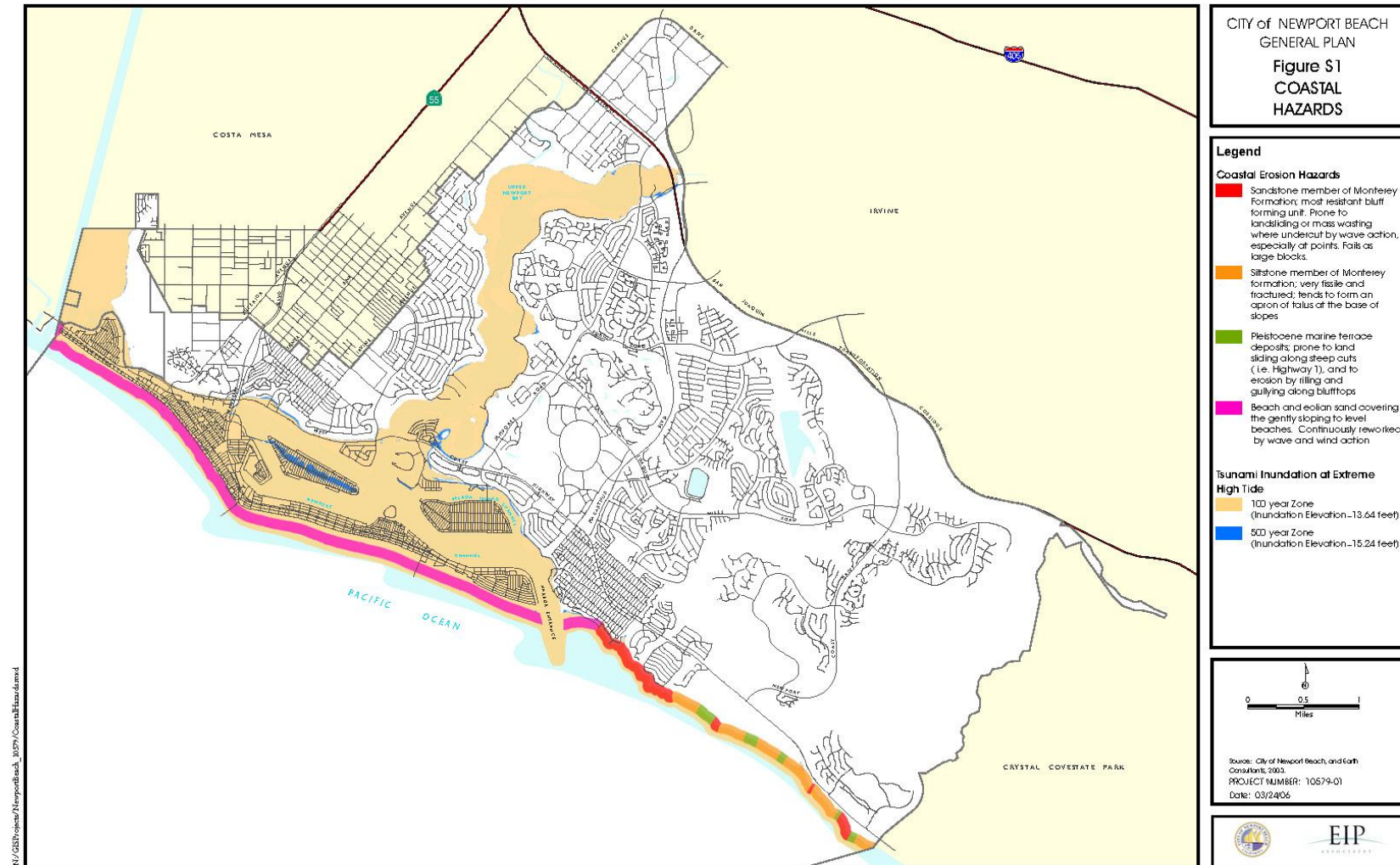


Figure 5-10 Coastal Hazards



5.4.10 Land Use and Planning

<i>Would the Project:</i>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) <i>Physically divide an established community?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) <i>Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Conflict with any applicable habitat conservation plan or natural community conservation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion**Would the project:****a. Physically divide an established community?**

No Impact. The proposed Project involves an amendment to the General Plan, Coastal Land Use Plan and Zoning Code to change the land use category from Public Facilities (PF) to Mixed-Use Horizontal (MU-H1) and a Zoning Code Amendment (CA2013-007) to change the zoning from Public Facilities (PF) to Mixed-Use Mariners Mile (MU-MM). These amendments would be compatible with the adjacent commercial uses, all of which are designated for mixed-use development. Any subsequent development allowed under the proposed Project would not divide the existing community; therefore, no impacts would occur.

b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

Less-than-Significant Impact. The proposed project involves amendments to the General Plan Land Use Plan, Coastal Land Use Plan, and Zoning Code to change the land use and zoning categories of the proposed Project Site from institutional to mixed-use land use. This is consistent with the General Plan and Coastal Land Use Plan vision for the Mariners Mile Commercial District, which calls for parcels on the inland side of Coast Highway to “evolve as a pedestrian-oriented mixed-use ‘village’ containing retail businesses, offices, services, and housing.” Therefore, the proposed Project would not result in a conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect; impacts would be less than significant.

c. Conflict with any applicable habitat conservation plan or natural community conservation plan?

No Impact. The proposed project is located in an urbanized setting, and no locally designated species or natural communities are known to exist in the project area. The site is not part of any habitat conservation plan or natural community preservation plan. No impacts would occur.

5.4.11 Mineral Resources

<i>Would the Project:</i>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) <i>Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) <i>Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

Would the project:

a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

No Impact. According to the City of Newport Beach General Plan Natural Resources Element, the Mineral Resource Zones (MRZ) in the City either are classified as containing no significant mineral deposits (MRZ-1), or the significance of mineral deposits has not been determined (MRZ-3). The proposed Project Site is located in an area designated as MRZ-3 (USGS, 2013). The proposed Project Site is surrounded by land uses that are not compatible with pit mining (residential and roads), all of which would preclude it from being developed as a mine, even if there is indeed an extractable mineral resource present. Therefore, no impacts associated with the loss of a mineral resource would occur.

b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

No Impact. The site is not delineated in the City of Newport Beach General Plan as containing a locally important mineral resource (Newport Beach 2006a); therefore, no impacts would occur.

5.4.12 Noise

<i>Would the Project result in:</i>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) <i>Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>For a project located within an airport land use land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) <i>For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion**Would the project result in:**

- a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?**

Less-than-Significant Impact. Subsequent development of the proposed Project Site would expose sensitive receptors (i.e., schools, hospitals, residential) in the area. The nearest sensitive receptors are nearby single-unit residences in Newport Heights that would be subject to a temporary increase in noise from construction activities. However, the City of Newport Beach Municipal Code limits construction activities during specific hours. Operational noise would be regulated by the noise control ordinances of City of Newport Beach Municipal Code. Impacts would be less than significant.

b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

Less-than-Significant Impact. Future construction activities associated with grading and excavation may result in minor ground vibration. Construction of the project would not involve special construction methods such as pile driving or blasting. Vibration from conventional construction activity is typically below a level of human perception and well under levels that would cause damage to existing buildings, when the activity is more than approximately 50 feet from the receiver. Conventional construction activities from future development could take place at distances greater than 50 feet from sensitive receptors.

c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

Less-than-Significant Impact. Noise associated with any subsequent development would be generated primarily by traffic.

The City of Newport Beach General Plan Noise Element presents future noise conditions for roadways derived from projected traffic levels for the complete build-out of the General Plan. Primary site access is provided by Riverside Avenue, a four-lane Local Road. Riverside Avenue has a daily capacity ranging from 7,000 to 11,000 vehicles per day (VPD) with a typical daily capacity of 10,000 VPD. Currently, Riverside Avenue has a traffic count of 9,000 VPD (Newport Beach, 2006b). As described in the analysis below in 5.4.6 (a), subsequent development resulting from the proposed land use and zoning changes could generate between 233 and 313 additional average daily trips. Therefore, subsequent development would not cause Riverside Avenue to go over the anticipated capacity and it can be expected that future noise conditions will not change; therefore, impacts would be less than significant.

d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

Less-than-Significant Impact. As stated above, the construction of the proposed Project would result in a temporary increase in noise levels. These levels could be audible at the closest sensitive receptors. However, the City of Newport Beach Municipal Code limits construction activities during specific hours; therefore, impacts from construction would be less than significant.

e. For a project located within an airport land use land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

No Impact. The proposed Project Site is not located within a 2-mile radius of an airport or within an airport land use plan. The closest airport is John Wayne Airport located approximately 3.7 miles to the northeast (OCALUC, 2008). The proposed Project Site is located outside the noise contours of the airport, but may experience some distance airplane noise; therefore, no impacts would occur.

f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

No Impact. The proposed Project Site is not located within the vicinity of an airstrip, private or public; therefore, no impacts would occur.

5.4.13 Population and Housing

<i>Would the Project:</i>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) <i>Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) <i>Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Would the project:

- a. Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?**

Less-than-Significant Impact. The proposed land use and zoning amendments to the City of Newport Beach General Plan, Coastal Land Use Plan, and Zoning Code would allow up to 13 dwelling units in a mixed-use development. This could increase the total housing units available in the City of Newport Beach from 44,219 to 44,232. This is less than 1% (approximately 0.003%) of the current total housing available (California Department of Finance 2012). There are approximately 86,000 people in the City of Newport Beach and 2.2 persons per household in the City of Newport Beach; therefore, the proposed project would increase the local population by approximately 29 people (California Department of Finance, 2012). A less than 1% (0.003%) increase in population and housing is negligible to the overall growth of the City and is not considered substantially growth inducing. In addition, the proposed Project Site is surrounded by existing commercial development and would not result in growth inducing efforts caused by the extension of utilities, roads, or other infrastructure into undeveloped area. Therefore, impacts would be less than significant.

- b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?**

No Impact. The proposed project would amend the existing land use and zoning designations, which could allow for the construction and operation of a mixed-use development. The proposed Project Site is currently a post office facility and does not consist of housing. Therefore, the proposed project would not displace any housing and would not necessitate the construction of replacement housing elsewhere; no impacts would occur.

c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

No Impact. As discussed in 5.4.13 (b) above, the proposed Project Site is currently developed with a post office facility and no people currently live on the proposed Project Site. Therefore, the proposed Project would not displace any housing or people, and no impacts would occur.

5.4.14 Public Services

<i>Would the Project:</i>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<i>Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</i>				
<i>a) Fire protection?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>b) Police protection?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>c) Schools?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>d) Other public facilities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

Would the project result in substantial adverse physical impacts associated with:

a1. Fire protection?

Less-than-Significant Impact. The proposed Project Site is located in the City of Newport Beach Fire Department service area. The City of Newport Beach Fire Department (NBFD) is considered an “all risk” Fire Department. This means it has the resources to respond and provide services to all types of emergencies including: fires, medical emergencies, hazardous materials problems, beach rescues, traffic accidents, high rise incidents, wildland fires, major flooding and disaster operations (Newport Beach, 2009). The proposed Project Site is served by Lido Fire Station #2, which is located at 475 32nd Street at the intersection of 32nd Street and Via Oporto, approximately 0.44 miles to the southwest of the proposed Project Site. The existing post office facility generates minimal demand on fire and emergency services. It is currently open only for post office boxes and only has one employee for half a day, six days a week. Should an emergency or fire occur at the existing post office facility, the NBFD would be first responders. As discussed above, future development could add up to 11,326 square feet of commercial floor area with a potential employee population of approximately 25 people (SCAG, 2001) and 13 dwelling units with approximately 29 people (California Department of Finance, 2012). NBFD has determined that the City’s existing fire protection services are adequate to serve the potential future population of the proposed Project Site. Additionally, any subsequent development would be constructed in accordance with current Fire Codes, and would replace an older building that was constructed prior to the enactment of current standards. Therefore, impacts would be less than significant.

a2. Police protection?

Less-than-Significant Impact. The proposed Project Site is located in the City of Newport Beach Police Department (NBPd) service area. The NBPd is located at 870 Santa Barbara Drive, approximately 2.5 miles northeast of the proposed Project Site. As discussed above, the

existing post office facility generates minimal demand for police services. However, the NBPD has determined that the City's existing police facilities are adequate to serve the future development and population at the proposed Project Site; therefore, impacts would be less than significant.

a3. Schools?

Less-than-Significant Impact. School services in the City are provided by the Newport-Mesa Unified School District (NMUSD). The demand for new schools is generally associated with population increases or impacts on existing schools. Future development could increase the number of children housed at the proposed Project Site, and therefore would increase the number of students attending schools. The 2006–2008 American Community Survey indicates there are 13,249 children between the ages of 5 and 19 living in Newport Beach; therefore, approximately 16% of the City population is school age children (USCB, 2008). In the City of Newport Beach, the average household size is 2.19 and approximately 19% of the households have an individual living in the household under 18 years of age (i.e., school-age child) (California Department of Finance 2012). The proposed Project could potentially result in up to 13 households and approximately 29 people (2.19 persons per household). Therefore, based on U.S. Census data, it is reasonable to assume the proposed project would generate approximately five school-age children (18% of the 29 persons in the 13 potential households would have school-age children). Although the proposed Project may increase the number of school age children in the City by five, this would not place a significant added burden to the Newport-Mesa Unified School District; therefore impacts would be less than significant. Furthermore, any future residential development would be required to contribute school fees in accordance with Public Education Code § 17072.10-18.

a4. Parks?

Less-than-Significant Impact. As discussed in 5.4.14 (a3) above, the proposed Project could result in the construction of 13 dwelling units. As such, the proposed Project could increase the number of people by 29, including five children. According to the Newport Beach General Plan Recreation Element, there are two parks in the vicinity of the proposed Project Site: Cliff Drive Park and Ensign View Park (Figure 5-11 Service Area 3 Recreation and Open Space Plan). It is expected that these two parks would be able to handle the increased demand, and the project would not result in substantial adverse physical impacts on parks requiring the need for new facilities in order to maintain acceptable performance standards. See Section 5.4.15 (a) and (b) Recreation for additional discussion on parks and recreation. Impacts would be less than significant.

a5. Other public facilities?

Less-Than-Significant Impact. Other public facilities located in the City of Newport Beach include libraries and senior centers. The City of Newport has four libraries and one senior center. The closest library and senior center to the proposed Project Site are the Mariners Branch at 1000 Irvine Avenue and OASIS Senior Center at 800 Marguerite Avenue, approximately 1.4 miles northeast and 3.6 miles east from the proposed Project Site, respectively. Subsequent development would negligibly increase the local permanent population by 29 people (see Response 5.4.14 (a1) above). Therefore, the proposed project would not result in substantial adverse impacts on other public facilities or require new facilities to maintain acceptable performance standards. Finally, library services receive funding from property tax, a

portion of which from the tax assessment of improvements on the proposed Project Site would be dedicated to the City's Library Fund. Therefore, impacts would be less than significant.

5.4.15 Recreation

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) <i>Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Does the project include recreational facilities or require the construction of or expansion of recreational facilities which might have an adverse physical effect on the environment?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

- a. **Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?**

Less-than-Significant Impact. Subsequent development would not significantly affect neighborhood or regional parks or other recreational facilities. The proposed Project Site is located in Service Area 3 (Newport Heights/Upper Newport Bay), which currently supports a total of 50.2 acres of combined park area, which is below the 64.3 acres of parkland "needs" based on the City's current requirements in the Recreational Element of the General Plan. An increase in the use of parks is generally associated with an increase of housing or population in an area. A potential increase in housing as a result of the proposed Project would increase the local population by up to 29 people, based on an average of 2.19 persons per household in Newport Beach. It is not known at this time that if any residential development resulting from the proposed Project will be subdivided or offered as rentals. Pursuit to Chapter 19.52 of the Subdivision Code, only residential subdivisions are required to pay the requisite Quimby Act fees, which are used by the City to provide new parks and/or recreation facilities.

The two neighborhood parks (Cliff Drive Park and Ensign View Park) in the general vicinity of the proposed Project Site as identified by Figure 5-11 could absorb the slight demand placed on them by as much as 29 new residents. Additionally, Service Area 3 has substantial school recreation facilities, including Newport Harbor High School, Ensign Junior High, Mariners Elementary, and Newport Heights Elementary that compensate for the deficiency in total park area. Finally, the 13.67-acre Sunset Ridge Park is currently under construction and is scheduled to open in early 2015. While Sunset Ridge Park is in Service Area 1 (West Newport), it is located less than a mile from the proposed Project Site. Impacts would be less than significant.

- b. Does the project include recreational facilities or require the construction of or expansion of recreational facilities that might have an adverse physical effect on the environment?**

Less-than-Significant Impact. The proposed Project does not include recreational facilities or require the construction of or expansion of recreation facilities that might have an adverse physical effect on the environment. Impacts would be less than significant.

Figure 5-11 Service Area 3 Recreation and Open Space Plan



5.4.16 Transportation/Traffic

<i>Would the Project:</i>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) <i>Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Conflict with an applicable congestion management program, including, but not limited to level of service standard and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) <i>Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) <i>Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Result in inadequate emergency access.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion**Would the project:**

- a. **Would the Project conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?**

Less-than-Significant Impact. As shown in Table 5-3, Comparison of Existing versus Proposed Daily Traffic, subsequent development would result in a net increase of 233 total daily trips if developed with commercial uses only or a net increase of 313 total daily trips if developed as a mixed-use project. Primary site access is provided by Riverside Avenue, a four-lane Local Road. Riverside Avenue has a daily capacity ranging from 7,000 to 11,000 vehicles per day (VPD) with a typical daily capacity of 10,000 VPD. Currently, Riverside Avenue has a traffic count of 9,000 VPD (XXX). Subsequent development resulting from the proposed land use and zoning changes would not cause Riverside Avenue to go over capacity. In addition, the City's Traffic Phasing Ordinance (Municipal Code Chapter 15.40) requires mitigation for any traffic effects caused by new development; Section 15.40.030.C (Exemptions) exempts projects that generate no more than 300 ADT. Impacts would be less than significant.

Table 5-3 Comparison of Existing versus Proposed Daily Traffic

Land Use	Size	Unit	AM Peak Hour			PM Peak Hour			Daily Total
Existing									
Post Office	9.242	TSF	14	5	19	7	12	19	200
Proposed									
Apartment	13	DU	2	6	8	5	3	7	80
General Commercial	11.33	TSF	20	9	29	17	23	40	433
TOTAL:			22	15	37	22	25	47	513
NET CHANGE (Proposed – Existing) Commercial Only			6	4	10	10	11	21	233
NET CHANGE (Proposed – Existing) Mixed-Use			8	10	18	15	14	28	313
TSF = Thousand Square Feet DU = Dwelling Unit Note: AM Peak Hour, PM Peak Hour, and Daily Total reflect the number of trips.									

The Traffic Phasing Ordinance (TPO), Chapter 15.40 of the Newport Beach Municipal Code, was established by the City Council to ensure that the effects of new development projects are mitigated by developers as they occur. Specifically, the ordinance was established to provide a uniform method of analyzing and evaluating the traffic impacts of projects that generate a substantial number of average daily trips and/or trips during the morning or evening peak hour period; to identify the specific and near-term impacts of project traffic as well as circulation system improvements that will accommodate project traffic and ensure that development is phased with identified circulation system improvements; to ensure that project proponents, as conditions of approval, make or fund circulation system improvements that mitigate the specific impacts of project traffic on primary intersections at or near the time the project is ready for occupancy; and to provide a mechanism for ensuring that a project proponent's cost of complying with traffic related conditions of project approval is roughly proportional to project impacts. Section 15.40.030 (Standards for Approval – Findings – Exemptions) specifically exempts the following project types from compliance with the Traffic Phasing Ordinance: a) projects that generate three hundred (300) or fewer average daily trips; b) projects that do not increase trips by one percent or more on any leg of any primary intersection during any evening or morning peak hour; and c) any project that meets certain other criteria as specified in the Ordinance. A commercial-only project would be exempt from the TPO and mixed-use project would be required to conduct a traffic analysis to evaluate traffic impacts, identify circulation system improvements and condition the project to make or fund circulation system improvements.

The Circulation Element of the General Plan identifies a Class II Bikeway on Riverside Avenue, which is a striped and stenciled lane for bicycle travel on a street or highway. Any subsequent development may involve relocating driveway access points; however, bicycles would continue to have access along the abutting roadway.

No existing or planned mass transit facilities are located on or near the proposed Project Site or surrounding area. The nearest mass transit route is the Orange County Transportation Authority (OCTA) Route 1 on West Coast Highway.

Less Than Significant Impact.

- b. Conflict with an applicable congestion management program, including, but not limited to level of service standard and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?**

No Impact. The proposed Project is not subject to the Orange County Congestion Management Plan (OCCMP). The OCCMP CMP requires that a traffic impact analysis be conducted for any project generating 2,400 or more daily trips, or 1,600 or more daily trips for projects that directly access the OCCMP highway System. The OCCMP system in Newport Beach consists of the following roadways:

- MacArthur Boulevard (Jamboree Road to Coast Highway)
- Jamboree Road (between city limit and MacArthur Boulevard)
- Coast Highway (throughout)
- Newport Boulevard (from north city limit to Coast Highway)

As subsequent development resulting from the proposed Project would generate a maximum of 313 daily trips. No Impact.

- c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?**

No Impact. The closest airport is John Wayne Airport (JWA), which is approximately 3.7 miles northeast of the proposed Project Site. According to the AELUP for the JWA, the proposed Project Site is not located within the Airport Planning Area, the Airport Impact Zones, the AELUP Notification Area for JWA, or the Airport Safety Zones (OCALUC, 2008, Figure 1 and Appendix D). Accordingly, and based on the AELUP, the Project would not occur in a location that results in a substantial safety risk for future Project residents.

- d. Substantially increase hazards because of a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?**

Less-than-Significant Impact. The proposed Project would not alter the shape of any of the adjacent roads. The City of Newport Beach Public Works Department would review and approve all driveway plans prior to any subsequent construction, and impacts would be less than significant.

- e. Result in inadequate emergency access?**

Less-than-Significant Impact. Any subsequent construction or operation would not affect streets or otherwise affect emergency access routes. The proposed Project would be designed to incorporate all required City of Newport Beach Fire Department standards to ensure that its implementation would not result in hazardous design features or inadequate emergency access to the site or areas surrounding the site; therefore, impacts would be less than significant.

f. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

No Impact. The General Plan Circulation Element includes a number of goals and policies that support public transit, bicycle, and pedestrian facilities. However, these policies do not provide any guidance that directly applicable to the proposed Project. Therefore, the proposed Project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, and no impact would occur.

5.4.17 Utilities and Service Systems

<i>Would the Project:</i>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) <i>Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<i>Would the Project:</i>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<i>g) Comply with federal, state, and local statutes and regulation related to solid waste?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

Would the project:

a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

Less-than-Significant Impact. The proposed Project would not exceed wastewater treatment requirements of the Regional Water Quality Control Board (RWQCB). The City of Newport Beach requires National Pollutant Discharge Elimination System (NPDES) permits, as administered by the RWQCB according to Federal regulations, for both point source discharges and nonpoint source discharges to surface waters of the United States. In addition, wastewater service in the project vicinity is provided by the City of Newport Beach (Newport Beach 2006b). Wastewater from the City's sewer system is treated by the Orange County Sanitation District (OCSD). The majority of the City's wastewater flow is pumped to the OCSD Plant No. 2, which has a design capacity of 276 million gallons per day (mgd) and operates at under capacity (Newport Beach General 2006b). The existing post office land use currently generates wastewater and has existing sewer ties into OCSD sewer lines. Future land uses resulting from the proposed Project would increase wastewater generation above the current wastewater generation, but would not exceed the wastewater treatment requirements of the RWQCB and would comply with all provisions of the NPDES program and applicable wastewater discharge requirements issued by the State Water Resources Control Board as discussed in Section 5.4.9, Hydrology and Water Quality.

Finally, since OCSD Plant No. 2 operates under capacity, the additional wastewater generated by the proposed project would be accommodated by OCSD. Therefore, the proposed Project would not cause any violation of standards set forth by OCSD, and impacts would be less than significant.

b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Less-than-Significant Impact. Water service for the proposed Project Site is provided by the City of Newport Beach. Domestic water for the City is supplied by imported water, groundwater and recycled water. No new or expanded water or wastewater treatment facilities would be required to accommodate the proposed Project. The proposed Project would connect to the existing OCSD sewer system. OCSD, as stated above, manages and oversees all wastewater in Orange County and is expected to be able to accommodate the wastewater generated by the proposed Project; therefore, impacts would be less than significant.

c. Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Less-than-Significant Impact. The existing site is mostly impermeable to stormwater because of the impermeable surfaces on site. Any subsequent development would not increase the impervious area. Any subsequent development will implement Best Management Practices (BMPs) that would minimize impacts; therefore, impacts would be less than significant.

d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or would new or expanded entitlements be needed?

Less-than-Significant Impact. Land uses resulting from the proposed Project would increase water demand over the current water use. The Urban Water Management Plan for the City identifies that the demand for water can be met; and therefore, the increase in the water demand by the proposed project would not result in a significant impact. Based on the City's evaluation and planning for reliability of water supplies and the anticipated proposed project water demand, no new or expanded entitlements would be required to serve the proposed Project Site, and impacts would be less than significant.

e. Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Less-than-Significant Impact. See Response 5.4.17 (b) above.

f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

Less-than-Significant Impact. The City of Newport Beach is under contract with Waste Management of Orange County for solid waste hauling and disposal. The Frank R. Bowerman Sanitary Landfill, located at 11002 Bee Canyon Access Road in Irvine, is the closest facility for solid waste disposal. The Frank R. Bowerman Sanitary Landfill, which is owned and operated by the Orange County Integrated Waste Management Department (IWMD), opened in 1990 and is scheduled to operate until approximately 2053. The current average disposal rate at the landfill is roughly 5,000 tons per day, and the maximum permitted disposal rate is 8,500 tons per day. The landfill's remaining capacity is approximately 200 million cubic yards or 107 million tons of solid waste.

As shown in Table 5-4, Land uses resulting from the proposed project would generate an increase in solid waste production as a result of additional and more intense non-residential uses and potential dwelling units. An additional 151 pounds (0.0755 tons) per day of solid waste would be disposed of at the Frank R. Bowerman Sanitary Landfill, representing approximately 0.0009 percent of the amount of solid waste the landfill is allowed to accept daily. With the remaining capacity of approximately 107 million tons, as well as a 39-year lifespan at the Frank R. Bowerman Sanitary Landfill, the increase in solid waste generated by the proposed development would not exceed the capacity of the landfill. No deficiencies currently exist at the Frank R. Bowerman Sanitary Landfill, as there is adequate daily surplus capacity to accept the additional solid waste generated from the proposed project. Therefore, impact will be less than significant.

Table 5-4 Solid Waste Generation

Land Use	Density/Intensity	Generation Rate	Total Generation
<i>Existing</i>			
Institutional	9,242 sq ft	.007 lbs/sq ft/day	64.7 lbs/day
<i>Proposed</i>			
Commercial	11,326 sq ft	5 lbs/1000 sqft/day	56.6 lbs/day
Residential MFR	13 DUs	12.23 lbs/unit/day	159 lbs/day
Net Change in Solid Waste Generation			150.9 lbs/day

g. Comply with federal, state, and local statutes and regulations related to solid waste?

No Impact. Solid waste produced by the proposed project would be picked up by a commercial provider licensed by the City of Newport Beach. The proposed Project would comply with all federal, state, and local statutes and regulations related to solid waste, such as the California Integrated Waste Management Act and city recycling programs; therefore, no impacts would occur.

5.4.18 Mandatory Findings of Significance

<i>Would the Project:</i>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) <i>Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major period of California history or prehistory?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b) <i>Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

- a. **Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?**

No Impact. The proposed Project Site is urban in character and does not contain biological resources that would be affected by subsequent development. Additionally, no cultural resources, either historic or prehistoric, are expected to be affected by any future construction or operation of the project; therefore, no impact would occur.

- b. **Does the project have impacts that are individually limited but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)**

In order to evaluate the proposed Project’s potential to result in cumulatively significant impacts, the City of Newport Beach Planning Division compiled a list of other closely related past, present, and reasonably foreseeable probable future projects. The list of cumulative projects, along with a description of the proposed land uses, location of the projects, a description of the status of each project, and a list of discretionary actions associated with each, is provided in Appendix A. A total of 31 past, present, and reasonably foreseeable projects were identified within the City.

A discussion and analysis of the proposed Project’s potential to result in cumulatively considerable effects to the various issue areas identified in this ND is provided below.

Aesthetics

Based on the list of projects included in Appendix A, no cumulative development projects are located within the Project’s viewshed. Therefore, the proposed Project has no potential to contribute to cumulatively significant impacts.

Agriculture and Forestry Resources

As indicated in the discussion and analysis of Agriculture and Forestry Resources in Section 5.4.2, the proposed Project would have no impact on agricultural or forestry resources; accordingly, the proposed Project has no potential to contribute to cumulatively significant impacts.

Air Quality

As indicated under the discussion and analysis of Air Quality in Section 5.4.3, the proposed Project would be consistent with the SCAQMD 2012 AQMP, would not result in near- or long-term emissions that violate the SCAQMD thresholds, would not subject sensitive receptors to substantial pollutant concentrations, and would not create objectionable odors affecting a substantial number of people. Therefore, cumulative impacts would be less than significant.

Biological Resources

As indicated in the discussion and analysis of Biological Resources in Section 5.4.4, the proposed Project would have no impact on biological resources. Accordingly, the proposed Project would have no potential to contribute to a cumulatively significant impact to biological resources.

Cultural Resources

As indicated under the discussion and analysis of Cultural Resources in Section 5.4.5, the proposed Project would have no impact to historical resources. Accordingly, the proposed Project would have no potential to contribute to a cumulatively significant impact to historical resources.

During any subsequent development, there is a remote possibility of uncovering archaeological or paleontological resources. Any subsequent development resulting from the proposed Project would involve minimal surface soil disturbance and grading. Therefore, it is highly unlikely the proposed Project would disturb any unknown cultural or paleontological resources, and impacts would be less than significant. Other developments within the City subject to CEQA and that have the potential for uncovering subsurface resources would similarly be required to incorporate measures to address the potential for uncovering such resources during ground disturbing activities. Accordingly, and assuming incorporation of the Project-specific mitigation, potential cumulative impacts to archaeological and paleontological resources would be reduced to less-than-significant levels.

The Project and all cumulative developments would be required to comply with the provisions of California Health and Safety Code Section 7050.5 and California Public Resources Code Section 5097.98(b), which would preclude cumulatively significant impacts to human remains.

Geology and Soils

Due to the site-specific nature of potential impacts associated with geology and soils, there is no potential for the proposed Project to contribute to cumulatively significant impacts associated with the site's geology and soil conditions. All development in the City is required to comply with the California Building Standards Code and follow the recommendations of project-specific geotechnical reports, adherence to which preclude cumulatively significant impacts.

Greenhouse Gas Emissions

As indicated in the discussion and analysis of Greenhouse Gas Emissions in Section 5.4.7, the amounts of GHG emissions that would result from development and operations of the proposed Project are less than the applicable screening level threshold set by the City of Newport Beach and would comply with all applicable plans, policies, and regulations adopted for the purpose of reducing GHG emissions. Therefore, the proposed Project has no potential to contribute to a cumulatively significant impact due to greenhouse gas emissions.

Hazards and Hazardous Materials

The proposed Project Site does not contain any recognized environmental conditions under existing conditions, and therefore has no potential for cumulatively significant impacts to people

or the environment associated with such conditions. Although construction of the proposed Project has the potential to expose nearby sensitive receptors and construction workers to hazards associated with asbestos-containing materials and lead-based paints, the City of Newport Beach requires building permit applications to include a declaration of compliance with Code of Federal Regulations Part 61 of Title 40 and AQMD Rule 1403 to ensure proper disposal of any hazardous materials, if discovered. Other cumulative developments that contain asbestos-containing materials and/or lead-based paints would similarly be required to dispose of such materials in accordance with applicable local, state, and federal laws and regulations. There are no other components of the proposed Project with a potential to create significant public health hazards; accordingly, the proposed Project's potential contribution toward cumulative impacts associated with asbestos and lead based paint abatement would be less than cumulatively considerable following the incorporation of mitigation.

Future construction and operation resulting from the proposed Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials within one-quarter mile of an existing or proposed school, and the proposed Project Site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5; accordingly, the proposed Project has no potential to contribute to cumulatively significant impacts associated with these thresholds.

The proposed Project would replace an older building on the proposed Project Site with new construction, which would reduce the cumulative fire risk associated with the concentration of older structures in the Mariners Mile area that were not built to current fire codes. Similarly, other cumulative projects that replace older buildings with new construction would also assist in lowering cumulative fire risk. As such, the proposed Project has no potential to contribute to cumulatively significant fire risk associated with a potential aircraft accident that poses fire risk in Mariners Mile. Furthermore, the City's Emergency Management Plan incorporates an emergency evacuation plan that addresses cumulative effects associated with public airport operations to a level below significant.

The proposed Project Site would have no impacts due to private airport-related hazards or interference with any emergency response plans or emergency evacuation plans; accordingly, the proposed Project has no potential to contribute to cumulatively significant impacts associated with private airports or emergency evacuation plans.

Although the proposed Project and other cumulative developments located in the Mariners Mile area could be exposed to fire hazards due to the generally older buildings that predominate the area (and their lack of fire resistant construction), the proposed Project and all cumulative development projects would be constructed in accordance with modern building codes, including fire protection measures that would attenuate the risk of fire hazards. As such, the proposed Project and cumulative projects in the Mariners Mile area would result in an incrementally reduced risk of fire hazards; accordingly, the proposed Project would result in a less-than-significant cumulative impact due to fire hazards.

Hydrology and Water Quality

The proposed Project would have no impacts to groundwater supplies, groundwater recharge areas, flood hazards, or flooding associated with the failure of a levee or dam; accordingly, the proposed Project has no potential to contribute to cumulatively significant impacts associated with these issues.

Similar to the proposed Project, all cumulative developments in the City would be required to prepare and implement site-specific SWPPPs and WQMPs, which would ensure that any cumulatively considerable impacts to water quality are reduced to less-than-significant levels. Additionally, and as with the proposed Project, all cumulative developments would be required to prepare hydrology studies to demonstrate that any changes to runoff does not result in on- or off-site flooding; accordingly, any cumulative impacts associated with drainage would be less than significant.

The proposed Project Site would not be subject to inundation by seiches or mudflow. Although the proposed Project Site and other areas of Mariners Mile are located within the City's tsunami inundation zone, the likelihood of a catastrophic-level tsunami impacting the City is considered remote. Additionally, the City has prepared an Emergency Management Plan, which identifies tsunami evacuation routes, tsunami evacuation sites, and response plans, and utilizes an outdoor emergency siren system to provide residents with advance warnings of potential tsunami emergencies. The proposed Project and cumulative development projects have no potential to adversely affect the implementation of the City's Emergency Management Plan, which would ensure that cumulatively considerable impacts due to tsunamis are reduced to less-than-significant levels.

Land Use and Planning

The proposed Project would have no impacts due to the physical division of an established community or a conflict with an applicable habitat conservation plan or natural community conservation plan; accordingly, the proposed Project has no potential to contribute to a cumulatively significant impact associated with these issues.

As indicated in the analysis presented under Land Use and Planning in Section 5.4.10, the proposed Project would be consistent with, or otherwise would not conflict with, any applicable land use plan, policies, or regulation of any agency that was adopted for the purpose of avoiding or mitigating an environmental effect. Other cumulative development projects similarly have been shown to be consistent with all applicable plans, policies, and regulations, or would be required to demonstrate such consistency prior to approval. Accordingly, cumulatively significant impacts would be less than significant.

Mineral Resources

As indicated under the discussion and analysis of Mineral Resources in Section 5.4.11, the proposed Project would not result in any impacts to mineral resources. Accordingly, the proposed Project has no potential to contribute to a cumulatively significant mineral resource impact.

Noise

During construction of the proposed Project, there is a potential for exposing nearby sensitive receptors to loud noise levels. Project construction activities have the potential to occur simultaneous with off-site nearby construction activities, which would further increase the construction-related noise level. Construction noise is exempt from Municipal Code Section 10.26 (Community Noise Control), provided such activities adhere to the timing restrictions specified in Section 10.28 (Loud and Unreasonable Noise). As with the proposed Project, construction activities associated with cumulative developments would be required to comply

with the timing restrictions of Section 10.28, thereby ensuring that cumulatively significant impacts do not occur.

Future land uses resulting from the proposed Project have the potential substantial noise levels under long-term operational conditions. As with the proposed Project, operational noise associated with cumulative developments would be regulated by the noise control ordinances of City of Newport Beach Municipal Code, thereby ensuring that cumulatively significant impacts do not occur.

The proposed Project would result in a net increase in vehicular traffic from the site as compared to existing conditions, which would thereby result in an increase in off-site noise impacts due to traffic. However, the additional traffic would not cause Riverside Avenue to go over capacity and it can be expected that future noise conditions will not change; Accordingly, under long-term operating conditions, the proposed Project's contribution of noise to the cumulative noise environment would not be cumulatively considerable.

There would be no cumulatively significant impacts due to airport-related noise, as the proposed Project Site is not exposed to substantial airport-related noise and would have no effect on the level of exposure of other off-site properties.

Population and Housing

As indicated in the discussion and analysis of impacts to Population and Housing in Section 5.4.13, the proposed Project would have no impacts due to the displacement of substantial numbers of existing housing or people; accordingly, the proposed Project has no potential to contribute to cumulatively significant impacts associated with housing displacement.

The Project could result in the construction and operation of up to 13 new multiple family dwelling units on-site, which would result in a projected population increase of approximately 29 persons. As indicated in the list of cumulative development projects provided in Appendix A, a number of other cumulative development projects also could result in the construction of new housing units and/or new or expanded housing units within the City, which, collectively, could result in a substantial increase in the City's population. However, as indicated in the analysis provided throughout this section, the proposed Project would not result in any cumulatively significant impacts, including cumulatively significant impacts that would result from the proposed Project's projected population increase. Accordingly, the approximately 29 new residents that would be generated by the proposed Project would not be cumulatively considerable in relation to associated environmental effects.

Public Services

As indicated in the discussion and analysis of proposed Project impacts to Public Services in Section 5.4.14, implementation of the proposed Project would not result in an increase in demand for fire protection or police protection services; accordingly, the proposed Project has no potential to contribute to cumulatively significant impacts to fire and police protection services. Other cumulative development projects proposing residential development would similarly be required to contribute school fees.

Although the proposed Project could result in approximately five school-age children, any future residential development would be required to contribute school fees in accordance with Public

Education Code § 17072.10-18. Furthermore, the NMUSD determined that its existing student capacity is adequate to serve the projected student population, and the District had no plans for expansion of its school facilities to accommodate projected population growth. Accordingly, cumulatively significant impacts to schools would be less than significant and the Project's contribution would be less than cumulatively considerable.

The proposed Project's could increase in the City's population by approximately 29 residents, when considered in the context of population increases that would result from build-out of other cumulative developments, would result in an increased demand for library services. However, the growth of the City's population associated with the proposed Project's potential 29 residents and other cumulative projects would not create the need to construct a new future library or physically expand an existing library facility. Library services receive funding from property tax, a portion of which from the Project's tax assessment would be dedicated to the City's Library Fund.

Recreation

Subsequent development would not significantly affect neighborhood or regional parks or other recreational facilities. As indicated in the list of cumulative development projects provided in Appendix A, there are no development projects within Service Area 3 that would result in impacts on existing recreational facilities. Accordingly, the proposed Project would result in a less than cumulatively considerable impact to recreational resources.

Transportation/Traffic

As indicated in the discussion and analysis of Transportation/Traffic in Section 5.4.16, the proposed Project would not cause Riverside Avenue to go over capacity and, the City's Traffic Phasing Ordinance requires mitigation for any traffic effects caused by any subsequent development. Cumulative development projects provided in Appendix A have been accounted for in traffic forecasts. Accordingly, the proposed Project has no potential to contribute to cumulatively significant impacts associated with transportation/traffic.

Utilities and Service Systems

As indicated under the discussion and analysis of Utilities and Service Systems in Section 5.4.17, the proposed Project's impacts associated with wastewater, solid waste, and water supply would be less than cumulatively considerable.

c. Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?

Less-than-Significant Impact. Any subsequent development would have no impact or less-than-significant impacts on human beings, both directly and indirectly. Accordingly, impacts would be less than significant.

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